The Gemara asks: Does this mean that in a place where he extended the limit, yes, the surveyor’s measurements are accepted, but in a place where he reduced the limit, no, his measurements are not accepted? If his extended measurement is accepted, his shortened measurement should certainly be accepted as well. The Gemara answers: Say that the mishna means that the surveyor’s measurements are accepted even in a place where he extended the limit, without concern that he might have erred (Tosafot), and that the surveyor’s measurements are certainly accepted in places where he reduced the Shabbat limit.

We learned in the mishna: If the surveyor extended the limit for one and reduced it for another, one accepts the extended measurement. The Gemara asks: Why do I need this as well? This clause is the same as that previous clause in the mishna. The Gemara answers: Do you think that this is what the mishna said? If two surveyors measured the Shabbat line and one extended the Shabbat line and one reduced it, one accepts the measurements of the surveyor who extended it.

Abaye said: The measurements of the surveyor who extended the limit are accepted only as long as he does not extend the limit more than the difference between the measurement of the Shabbat limit of the city calculated as a diagonal line from the corner of the city and as calculated as a straight line from the side of the city. If, however, the difference in measurements exceeds that amount, the Shabbat limit must be measured again.

We learned in the mishna: As the Sages did not state the matter, the laws of Shabbat limits, to be stringent, but rather to be lenient. The Gemara asks: Wasn’t the opposite taught in a baraita: The Sages did not state the matter, the laws of Shabbat limits, to be lenient but rather to be stringent?

Ravina said that there is no contradiction between these two statements: The very institution of Shabbat limits was enacted not to be more lenient than Torah law; but rather to be stringent beyond Torah law. Nonetheless, since Shabbat limits are rabbinic law, the Sages permitted certain leniencies with regard to how the Shabbat limits are measured.

Although this chapter as a whole deals with halakhot governing the joining of Shabbat boundaries, this mishna returns to the halakhot governing a joining of courtyards. If a private city, which does not have many residents, grows and becomes a heavily populated public city, one may establish a joining of the courtyards for all of it, as long as it does not include a public domain as defined by Torah law.

Perek V. 59a

NOTES

A place where he extended the limit...a place where he reduced the limit: The early commentators explain that the measurements for the Shabbat limit were taken from two locations on each side of the city. For example, on the eastern side, the city would be measured at both the northeastern corner and the southeastern corner. The case under discussion is where one of the measurements extended farther than the other measurement on the same side of the city. The commentators disagree about whether the shorter measurement should be extended to match the longer measurement, or whether both measurements are accepted under the assumption that the difference in the terrain caused the perceived difference in the Shabbat limit.

Calculated as a diagonal line from the corner of the city: The Shabbat limit is calculated by measuring two thousand cubits in a perpendicular line from each side of the city. Each measurement is then extended perpendicular until it intersects with the lines from the adjacent sides of the city. This creates a corner of the Shabbat limit that is 2,800 cubits from the corner of the city. However, if one were to measure two thousand cubits diagonally from the four corners of the city and then connect the four points via straight lines, the limit as measured from the sides of the city would be approximately 1,415 cubits. Consequently, if the difference between the measurements of two surveyors is less than 85 cubits, the extended measurement is accepted and the other measurement is presumed to have been taken by improperly measuring a diagonal line from the corner of the city. However, if the discrepancy between the two measurements is greater than this amount, it cannot be explained in this way, and the Shabbat limit must be measured again.

A private city, etc.: This is unclear why this mishna, which deals with the joining of courtyards, was included in this chapter, whose primary topic is the halakhot of the joining of Shabbat boundaries. Seemingly, one of the previous chapters would be a more natural context for this mishna. It is possible that this mishna is related to the previous mishna in the following way. The previous mishna mentions people’s memories of the Shabbat limit. This mishna presents the case of a city whose status has changed from public to private or vice versa, and it is assumed that people still recall the previous state of affairs (Tosefor Hadashim).

A private city becomes a public city: There are different interpretations of the term private city. Rashi explains that it does not refer to a privately owned city, but rather to a city that is not a public domain. Other commentators maintain that it refers to a city that belonged to a single individual who subsequently rented or sold residential space to non-relatives. Since the city was originally owned by one person, it has a special status (Rashba, Riva).
The Shabbat limit is calculated by measuring two thousand cubits in the city and then connect the four points via straight lines, the limit the assumption that the difference in the terrain caused the perceived measurement, or whether both measurements are accepted under the city. However, if the discrepancy between the two measurements is greater than this amount, it cannot be explained in this way, and the city whose status has changed from public to private or vice versa, rented or sold residential space to non-relatives. Since the city was originally owned by one person, it has a special status (Rashba; Ritva).

And if a public city loses residents over time and becomes a private city, one may not establish an eiruv for all of it unless one maintains an area outside the eiruv that is like the size of the city of Hadasha in Judea, which has fifty residents. Carrying within the eiruv is permitted, but it remains prohibited to carry in the area excluded from the eiruv. The reason for this requirement is to ensure that the laws of eiruv will not be forgotten. This is the statement of Rabbi Yehuda. Rabbi Shimon says: The excluded area need not be so large; rather, it is sufficient to exclude three courtyards with two houses each.

The early commentaries explain:

Arukh Oraḥ Ĥayyim

One accepts the measurements of the surveyor who extended halakha sets of measurements does not exceed 585 cubits, the approximate side of the city and the Shabbat limit as determined on the basis of 392:4).

A village that has a special status (Rashba; Ritva).

Governor [de’iskarta] – kār-farmā. According to the version in the Arukh, the word is kaharmana.

An eiruv for half the city – one establishes for half of it, so that the eiruv, represented by the dotted line, passes through the public domain. It is understood that the residents of both sides of the city still use the common public domain.

The Sages taught in a baraita: If a private city becomes public, and a bona fide public domain passes through it, how does one establish an eiruv for it? He places a side post from here, one side of the public domain, and side post from there, the other side; or, he places a cross beam from here, one side of the public domain, and another cross beam from there, the other side. He may then carry items and place them between these symbolic partitions, as the public domain is now considered like one of the courtyards of the city. And one may not establish an eiruv for half the city; rather, one may establish either one eiruv for all of it or separate ones for each alleyway separately without including the other sections of the city.

The baraita continues: If it was originally a public city, and it remains a public city, it was originally a public city and it remains a public city – it is extended to be consistent with the longer measurement, in ac –
The Gemara asks: *In accordance with whose opinion is this halakha?* It is not in accordance with the opinion of Rabbi Akiva. As, if it were in accordance with the opinion of Rabbi Akiva, didn’t he say that a foot that is permitted in its own place prohibits carrying even in a place that is not its own? Rabbi Akiva holds the following in the case of outer and inner courtyards, in which the residents of each courtyard established their own, independent *eiruv*: Since the residents of the inner courtyard, who are permitted to carry in their own courtyard, may not carry in the outer courtyard despite the fact that they have rights of passage there, it is prohibited even for the residents of the outer courtyard to carry there. By the same logic, since the residents of each half of the city are prohibited to carry in the public domain of the city’s other half, despite the fact that they may travel there, it should be prohibited for everyone to carry there, and the *eiruv* should not be functional.

The Gemara rejects this argument: *Even if you say* it is in accordance with the opinion of Rabbi Akiva, Rabbi Akiva stated his opinion there only in a case of two courtyards, one farther inside than the other, as the inner courtyard has no other entrance. Since the residents of the inner courtyard have no choice but to pass through the outer courtyard, the residents of the outer courtyard deny the residents of the inner courtyard exclusive use of their own courtyard; therefore, they can impose restrictions upon them. *But here*, in the case of two halves of the city, *these may go out through* this part of the public domain on their side of the city, leading to one *entrance* to the city, and *these may go out through* this other part of the public domain, leading to the other *entrance* to the city. Since the residents of each half do not have to use the portion of the public domain located in the other half, they do not impose any restrictions on the residents of the other half, even if they do in fact use it.
An *eiruv* across the width of the city – הָלַּךְ אָסְרִי אַשְׁרָר בִּרְשׁוּת רָרַבִּים

Some say that when the Sages prohibited establishing an *eiruv* for half a city that has a public domain running all the way through it, their prohibition referred only to an *eiruv* that divides the city into two halves according to its length. However, if the *eiruv* divides the city according to its width, an *eiruv* may be established if a partition is constructed between the two sides of the city. This ruling is in accordance with the first version of Rav Pappa’s statement (Rema; Maharam). However, many authorities rule in accordance with the second version, as it is generally accepted when the Gemara presents two versions of a statement or discussion (Rambam; Beit Yosef; Shulhan Arukh, Ohah Hayim 392:6).

Erected a partition – הָלַּךְ אָסְרִי אַשְׁרָר בִּרְשׁוּת רָרַבִּים

A partition – הָלַּךְ אָסְרִי אַשְׁרָר בִּרְשׁוּת רָרַבִּים

Two entrances – שְׁׁיִׁתָחִים

A partition – הָלַּךְ אָסְרִי אַשְׁרָר בִּרְשׁוּת רָרַבִּים

A partition – הָלַּךְ אָסְרִי אַשְׁרָר בִּרְשׁוּת רָרַבִּים

What is the reason that the Master acted differently?

The Gemara answers: In accordance with whose opinion is this halakha? It is in accordance with the opinion of Rabbi Akiva. The Gemara rejects this argument: Even if you say it is in accordance with the opinion of the Rabbis, it is possible that the Rabbis stated their opinion there only in the case of two courtyards, one inside the other, as the residents of the inner courtyard can close the door to the outer courtyard and use only their own courtyard. In doing so, they impose no restrictions on the residents of the outer courtyard. But here, with regard to the division of a city, are they able to move the public domain from here? Since the residents of each half cannot be prevented from using the public domain located in the other half, even the Rabbis would agree that the *eiruv* is ineffective.

The Master said in the previously cited baraita that an *eiruv* must either be established for all of it or for each alleyway separately. The Gemara asks: What is different about an *eiruv* for half the city, which is not permissible? The residents of each half prohibit residents of the other from carrying, due to the fact that all the residents may use both halves. Similarly, even if they establish a separate *eiruv* for each alleyway, the residents should still prohibit residents of the other from carrying, as residents of one alleyway commonly enter other alleyways as well.

It was taught in the baraita: If it was originally a public city and it is still a public city, and it has only one entrance to the public domain, one may establish an *eiruv* for the entire city. The Gemara relates: Rabbi Zeira established an *eiruv* for Rabbi Hyya’s city and did not leave any section of the city out of the *eiruv*. Abaye said to him: What is the reason that the Master acted in this manner? Why didn’t you exclude a section of the city from the *eiruv*, as required in a public city?

Rabbi Zeira said to Abaye: The city Elders told me that Rav Hyya bar Asi used to establish an *eiruv* for the entire city without excluding any section of it, and I said to myself: If he would establish an *eiruv* for the whole city, I can learn from this that it was originally a private city and later becomes a public one. Therefore, it is permitted to establish an *eiruv* for the entire city.

Abaye said to him: Those same Elders told me that the reason was different: There was a particular garbage dump on one side of the public domain, which blocked one of the entrances, leaving only one entrance to the public domain. However, now that the garbage dump has been cleared away, it has two entrances, and it is therefore prohibited to establish an *eiruv* for the whole city without excluding a section from the *eiruv*. Rabbi Zeira said to him: It was not on my mind, i.e., I was unaware that this was the situation.
A ladder at the entrance or by constructing a doorway. The Gemara’s illustration portrays a city divided by a public domain. Nevertheless, the law is that a ladder in the public domain is not considered an entrance. However, if it was positioned between two courtyards, the residents of the court­yards may rely on it as an entrance if they so desire, in accordance with the opinion of Rav Nahman (Shulḥan Arukh, Oraḥ Ḥayyim 375:1; 392:2).

**Halonaka**

The Gemara asks: Did Rav Nahman actually say this? Didn’t Rav Nahman say that Shmuel said: With regard to residents of the ground floor of a courtyard and residents of a balcony, i.e., the floor above the ground floor, who forgot and did not establish a joint eiruv, if there is a partition four handbreadths wide in front of the entrance to the balcony, the balcony does not prohibit the residents of the courtyard from carrying, as each area is considered to be independent. And if not, the balcony prohibits the residents of the courtyard from carrying in the courtyard. This indicates that a ladder between two courtyards is always considered an entrance, even when that policy leads to a stringent ruling, unless the two areas are separated by a partition.

The Gemara asks: If the balcony is not ten handbreadths high and is therefore part of the courtyard, when one places a partition, what of it? The balcony should nevertheless be considered part of the courtyard. The Gemara answers: We are dealing here with a balcony that is entirely fenced off except for a section up to ten cubits wide, which serves as an entrance. In that case, since the residents of the balcony place a partition at this entrance, they thereby remove themselves entirely from the courtyard.

Rav Yehuda said that Shmuel said: With regard to a wall that one lined with ladders, even along a length of more than ten cubits, it still retains the status of a partition. The ladders do not constitute an opening that is more than ten cubits wide, which would cause the wall to be regarded as breached and would invalidate the wall as a partition.9

Rav Beruna raised a contradiction to Rav Yehuda in the winepress at Rav Hanina’s house: Did Shmuel actually say that such a wall has the status of a partition? Didn’t Rav Nahman say that Shmuel said: With regard to the residents of a balcony and the residents of a courtyard who forgot and did not establish a joint eiruv, if there is a partition four handbreadths wide in front of the entrance to the balcony, the balcony does not prohibit the residents of the courtyard to carry; and if not, it prohibits the residents of the courtyard from carrying? This indicates that a ladder is considered an entrance, as the courtyard and the balcony are considered connected.

With regard to Rav Ami bar Adda from Harpanya raised a dilemma before Rabba:

Rav said as follows: A ladder has the status of an entrance. In that case, even if one lined a breach to a public domain, the residents of a balcony and the residents of the courtyards may rely on it as an entrance. Why? Rav Nahman said to them: Do not listen to him. Rav Adda said that Rav said as follows: A ladder has the status of an entrance in certain cases, and it has the status of a partition in other cases. It has the status of a partition in the case that we mentioned, where there is a ladder at the end of a public domain. In this case, the ladder is not considered an entrance and therefore the public domain is considered closed at that end. It has the status of an entrance in the case of a ladder between two courtyards. If the residents of the courtyards wish, they may join the two courtyards by means of an ladder and establish one eiruv; if they wish, the two courtyards may each establish a separate eiruv.10

**Notes**

A wall that one lined with ladders – Oraḥ Ĥayyim 375:1. As explained elsewhere, if there is a breach ten cubits wide between two courtyards, one cannot establish a separate eiruv for each because they are con­sidered a single courtyard. Rather, both must establish a single, joint eiruv.

Ladders as an entrance – Oraḥ Ĥayyim 375:1. A ladder is not considered an entrance. In addition, ladders are not con­sidered a breach if one lined more than ten cubits of a wall with ladders, as stated by Shmuel (Shulḥan Arukh, Oraḥ Ḥayyim 392:2).

**Background**

The Ra’avad writes that they are con­ sidered an entrance rather than a partition (see Oraḥ Ĥayyim, ch. 375 and Shulḥan Arukh, Oraḥ Ḥayyim, ch. 375.1). The lawn of a ladder to a public domain is not considered an entrance. However, if it was positioned between two courtyards, the residents of the courtyards may rely on it as an entrance if they so desire, in accordance with the opinion of Rav Nahman (Shulḥan Arukh, Oraḥ Ḥayyim 375:1; 392:2).