HALAKHA

Renunciation of one's domain in the place of a gentile – יושב במרחך אחר מקום גוי: If Jews living in a courtyard with a gentile renounce their domains in favor of one Jew, so that he would be considered a single individual living in a courtyard with a gentile, it is ineffective with regard to carrying on Shabbat. Their only recourse is to rent the gentile’s residence, as stated by Rava (Shulhan Arukh, Orah Hayyim 382:2).

NOTES

An uncommon occurrence – המילה בלא סכיטה: The rationale of the Sages for not applying their decrees to uncommon circumstances is based on the reason behind their decrees in general. A rabbinic decree does not address an action that is prohibited in and of itself. Rather, it is a safeguard to prevent the violation of another prohibition. Therefore, there is no reason to institute such preventive measures for unique and exceptional cases, as those situations are not common enough to potentially lead people to violate other prohibitions.

HALAKHA

Even his hired laborer and even his harvester –аМכברא בותרי והמטבח. A gentile’s wife, his laborer, or his harvester may rent out his residence for the purpose of an eiruv, even without his knowledge and despite his objections (Rosh). Other authorities rule that if he objects, not even his wife may rent it out, and certainly not his hired laborer (Rambam; see Taz, Shulhan Arukh, Orah Hayyim 382:11).

A gentile who does not want to rent – אף שבעוה לירד: If a gentile refuses to rent out his residence for the purpose of an eiruv, one of the residents of the alleyway should befriend him until he grants the Jewish resident permission to place something in his domain. The Jewish resident thereby attains the status of the gentile’s laborer and may rent out the gentile’s residence to the Jews without the gentile’s permission (Rambam; Rashba). Some commentators say that in such a case it is not even necessary to rent the residence. It is sufficient to place the eiruv there (Rashi; Tur; Rabbeinu Yerucham). According to the Rosh, one must be stringent in accordance with both of these opinions, while the Shulhan Arukh Halachot rules in accordance with the second opinion. However, one should act in accordance with Rambam’s opinion ab initio (Shulhan Arukh, Orah Hayyim 382:12).

The Jewish neighbors came and spoke to Abaye, asking him how they might proceed. He said to them: Go, all of you, and renounce your domains, i.e., your rights to use the alleyway, in favor of one person, who will be permitted to carry in it. In this manner it is a case of one individual living in the same place as a gentile. And the halakha has already been established that in the case of one individual living in the same place as a gentile, the gentile does not render it prohibited for him to carry. Consequently, one person at least will be able to make use of the alleyway.

They said to him: But isn’t the reason that no restrictions are imposed when one person lives together with a gentile in the same courtyard only that it is not common for people to live with a gentile in that fashion? But here, many people are in fact living in the same alleyway as the gentile. In this more common situation, the Sages did impose restrictions.

Abaye said to them: Any renunciation of the domains of many people in favor of a single individual is an uncommon occurrence. The principle is that in the case of an uncommon occurrence, the Sages did not issue a decree as a preventive measure. In pressing circumstances such as these, one may rely on this allowance.

Rav Huna, son of Rav Yehoshua, went and reported this halakha before Rava, who said to him:

If so, you have abolished the halakhic category of eiruv from that alleyway. Since from a halakhic perspective it is considered as though only one person lives in that alleyway, there is no need for an eiruv. Consequently, when the residents carry in it without an eiruv, observers will mistakenly think that it is permitted to carry in an alleyway even without an eiruv.

Rav Huna, son of Rav Yehoshua, replied: It is required that they establish an eiruv anyway, as a reminder of the laws of eiruvim, even though it serves no halakhic purpose. Rava retorted that this in turn results in a different problem: Observers will then say that an eiruv is effective even in the place of a gentile, even if he does not rent out his domain, which is against the halakha. He replied: We make an announcement to the effect that they are not carrying by the eiruv, and that it only serves as a reminder.

Rava rejected this option as well: Can we make an announcement for the children? Even if it is assured that all adults present will hear the announcement, how will the children, who do not hear or understand the announcement, know the halakha later in life? Recalling that their fathers established an eiruv in this alleyway, they will think that an eiruv is effective even in the place of a gentile. Therefore, one cannot rely on Abaye’s solution.

Rather, Rava said that the gentile’s Jewish neighbors should proceed as follows: Let one of them go and become friendly with the gentile, and ask him for permission to make use of a place in his domain, and set something down there, thus becoming like the gentile’s hired laborer or harvester. And Rav Yehuda said that Shmuel said: Not only can the gentile himself rent out his domain for the purpose of an eiruv, but even his hired laborer, and even his harvester, if he is a Jew, may rent out the space and contribute to the eiruv on his behalf, and this is enough."
Abaye said to Rav Yosef: If there were five hired laborers or five harvesters there, what is the halakha? Does the presence of more than one of these, if they are all Jews, entail a stringency, such that they are all required to join in the eiruv or that they are all required to rent out their domain? Rav Yosef said to him: If the Sages said that the gentle’s hired laborer or harvester stands in his place as a leniency, would they say that his hired laborer or harvester stands in his place as a stringency? This law was stated only as a leniency with regard to the laws of renting for the purpose of an eiruv, not in order to introduce more stringencies.

The Gemara proceeds to examine the ruling cited in the course of the previous discussion. Returning to the matter itself, Rav Yehuda said that Shmuel said: Even the gentle’s hired laborer, and even his harvester, may contribute to the eiruv in his stead, and this is enough.

Rav Nahman said: How excellent is this halakha. Even Rav Nahman agreed with this statement, and viewed it as correct and substantiated.

However, Rav Nahman did not give his approval to all of Rav Yehuda’s rulings, as Rav Yehuda said that Shmuel said: If one drank a quarter-log of wine, he may not issue a halakic ruling,4 as the wine is liable to confuse his thinking.5 With regard to this second statement, Rav Nahman said: This halakha is not excellent, as concerning myself, as long as I have not drunk a quarter-log of wine, my mind is not clear. It is only after drinking wine that I can issue appropriate rulings.

Rava said to Rav Nahman: What is the reason that the Master said this, making a statement that praises one halakha and disparages another? Didn’t Rabbi Aha bar Hanina say: What is the meaning of that which is written: “But he who keeps company with prostitutes [zonot] wastes his fortune” (Proverbs 29:3)? It alludes to the following: Anyone who says: This teaching is pleasant [za na’a]6 but this is not pleasant, loses the fortune of Torah. It is not in keeping with the honor of Torah to make such evaluations. Rav Nahman said to him: I retract, and I will no longer make such comments concerning words of Torah.

On the topic of drinking wine, Rabba bar Rav Huna said: One who has drunk wine must not pray, but if he nonetheless prayed, his prayer is a prayer, i.e., he has fulfilled his obligation. On the other hand, one who is intoxicated with wine must not pray, and if he prayed, his prayer is an abomination.4

The Gemara poses a question: What are the circumstances in which a person is considered one who has drunk wine; and what are the circumstances in which a person is considered one who is intoxicated with wine? The Gemara answers that one can learn this from the following event: As Rabbi Abba bar Shummi and Rav Menashya bar Yirmeya from Gifti were taking leave of each other at the ford of the Yofit River, they said: Let each one of us say something that his fellow scholar has not yet heard,7 for Mari bar Rav Huna said: A person must take leave of his fellow only in the midst of a discussion of a matter of halakha, as due to this he will remember him.

If one drank a quarter-log of wine, he may not issue a ruling – [ Erotz Mayemek: Proof for this principle may be adduced from the warning issued to the priests: “Do not drink wine or strong drink, you, nor your sons with you…that you may teach the tituates, zonot, is written plene, with a double vav. Consequently, the word hints to the Hebrew phrase zu na’ot, meaning this is pleasant. In the Meli the metaphor is explained as follows: Just as each woman is beautiful in a unique way, with some people finding her beautiful while others do not, so too is the case with halalhot. Therefore, a Sage should not explicitly declare that he finds a particular teaching pleasant or unpleasant. Although a Sage may reject an opinion when determining the halakha, he never states that the teaching is fundamentally flawed. Rather, he explains that for various reasons, it must be rejected.

Something that his fellow has not heard – [ Netzav Mayemek: The requirement that one may take leave of his colleague only in the midst of a matter of halakha can be fulfilled without stating a novel law. However, if one wishes that his colleague remember him, it is better that he say something completely new, so that the other person will recall him when he thinks about that law (Rif).]
The requirement that one may take leave of his colleague only in the
(Leviticus 10:9–11; Rashi).

Something that his fellow has not heard –
zonot
Me'iri
zu na'ot
a unique way, with some people finding her beautiful while others
unpleasant. Although a Sage may reject an opinion when determining
can be fulfilled without stating a novel law.

Therefore, a Sage should
halakha
שָׁתָר
of wine, he may not issue a ruling –
מִילְּתָא דְּלָא שְׁמִיעַ לְחַבְרֵירּ

A gentile who does not want to rent –
ָכְרִי שֶאֵי וֹ רוֹצֶר לְרַשְכִיר

What should he do so that it remain in his hands –
בְּיָדוֹ
The other one then opened a different discussion and said: With
regard to one who took possession of a convert’s property, what
should he do so that it remain in his hands?" The property of a
convert who died without children is regarded as ownerless, and
is acquired by the first person to perform a valid act of acquisition
upon it. Since in this case the one who took possession of the
property did not acquire it through his own labor, his ownership is
tenuous, and he is liable to lose it unless he uses it for the purp­
se of a mitzva. One in this situation should buy a Torah scroll
with part of the revenue, and by the merit of this act, he will retain
the rest. Rav Sheshet said: Even

Some authorities explain this phrase dif­

A path of a mil – מיל מִיל
The authorities disagree about the length of the mil mentioned by the Sages. According to
the various opinions, a mil measures 960–1,200 m.

From Akko to Keziv – אקו בית
A map showing the city of Akko and the town of Akhziv (Keziv) along the
northern coast of Israel.

A path of a mil – מיל מִיל
The Gemara now cites additional teachings relating to the drinking of
wine. Rami bar Abba said: Walking a path of a mil,6 and similarly,
sleeping even a minimal amount, will dispel the effect of
wine that one has drunk. Rav Naḥman said that Rabba bar Abuh
said: They only taught this with regard to one who has drunk a
quarter-log of wine, but with regard to one who has drunk more
than a quarter-log, this advice is not useful. In that case, walking a
path of such a distance will preoccupy and exhaust him all the
more, and a small amount of sleep will further intoxicate him.

The Gemara poses a question: Does walking a path of only a mil
dispel the effects of wine? Wasn’t it taught in a baraita: There
was an incident involving Rabban Gamliel, who was riding a
donkey and traveling from Akko to Keziv,7 and his student Rabbi
Elai was walking behind him. Rabban Gamliel found some fine leaves of bread on the road, and he said to his student:
Elai, take the leaves from the road. Further along the way, Rab­
ban Gamliel encountered a certain gentile and said to him:
Margvai, take these leaves from Elai.
Leavened bread belonging to a gentile – נַפַּת יִשְׂרָאֵל

One is permitted to derive benefit from and even eat leavened bread that belonged to a gentile, even if it was in his possession during Passover (Shulhan Arukh, Orah Hayyim 458:1).

Dispelling the effects of wine – נַפַּת יִשְׂרָאֵל

The effects of drinking up to a quarter-log of wine can be dispelled by walking a mil or by sleeping for any duration. If one drinks more than a quarter-log, a small amount of sleep (Magen Avraham, based on the Rambam) causes him to become even more intoxicated. Riding three mil serves to dispel the effects of the wine, as demonstrated by the incident involving Rabban Gamliel (Shulhan Arukh, Orah Hayyim 9:2).

NOTES

Permitted to benefit – נַפַּת יִשְׂרָאֵל

The proof is based on the accepted principle that any gift provides benefit to the giver as well as to the recipient, because a gift obligates, or at least prompts, the receiving party to reciprocate. Therefore, one who bestows a gift also benefits from it to a certain extent.
The Gemara poses a question with regard to one of the details of the story: Is that so, that Rabban Gamliel was required to alight from his donkey in order to annul the vow? But didn’t Rav Nahman say: One may annul vows walking, standing, or mounted? Why, then, did Rabban Gamliel dismount his donkey?

The Gemara answers: This is a dispute between tannaim, as there is an authority who says that one may open the possibility for dissolution of a vow by means of regret alone. In other words, there is no need to search for a special reason in order to dissolve a person’s vow; it is enough to ascertain that he regrets making it. This can be done easily, even while walking, standing, or riding.

And there is another authority who says that one may not open the possibility for dissolution of a vow by means of regret alone. Rather, one must find an opening, i.e., a particular reason to dissolve the vow in question, which requires a thorough analysis of the circumstances of the vow. This task must be performed free of distractions, which means one must be seated (Tosafot).

As Rabba bar Hané said that Rabbi Yoĥanan said: With what did Rabban Gamliel open the possibility for dissolving his vow for that man, i.e., what opening did he find for him? Rabban Gamliel cited the verse: “There is one who utters like the piercings of a sword; but the tongue of the wise is health” (Proverbs 12:18) and explained it as follows: Whoever utters a vow deserves to be pierced by a sword, as he might fail to fulfill it. Therefore, one should not vow at all. Had you known that whoever vows is liable to be executed, would you have vowed? Rather, it is the tongue of the wise that heals, as when a Sage dissolves a vow, he dissolves it retroactively, and it is as though one had never taken the vow.

The Gemara continues with its analysis of the baraita. The Master said previously: One of the halakhot learned from the incident involving Rabban Gamliel was that one may not pass by food; rather, one must treat the food with respect and pick it up. Rabbi Yoĥanan said in the name of Rabbi Shimon bar Yohai: They taught this ruling only in the early generations, when Jewish women were not accustomed to using witchcraft. However, in the later generations, when Jewish women are accustomed to using witchcraft, one may pass by food, as a spell might have been cast on the bread, and one must not put himself in unnecessary danger.

A Sage taught: If the loaves are whole, one may pass them by, as they might have been placed there for the purposes of witchcraft; however, if they are in pieces, one may not pass them by, because bread in pieces is not used for witchcraft. Rav Asi said to Rav Ashi: Do they not perform magic with pieces of bread? Isn’t it written in the verse that deals with witchcraft: “And you have profaned Me among My people for handfuls of barley and for pieces of bread” (Ezekiel 13:19)? The Gemara answers: The verse does not mean that they used pieces of bread in their witchcraft, but rather that they took such pieces as their wages.

Rav Sheshet said in the name of Rabbi Elazar ben Azarya:

**HALAKHA**

Open by means of regret alone – (Perek VI. 64b). If one makes a vow and later regrets the content of the vow, it may be dissolved based solely on his regret. An opening for the dissolution of vows is required in a case where one regrets not the vow itself, but the fact that he accepted the matter upon himself in the form of a vow (Tosafot). Other commentators teach that even if one regrets the vow itself, it is necessary to find an opening and a reason to dissolve the vow, as regret alone is insufficient (Rashi; Rambam, Sefer Hahina; Hilkhote Shevuot 6:1; Shulḥan Arukh, Oraĥ Ĥayyim 448:1).

Annulling a vow while sitting – (Shulchan Arukh, Oraĥ Ĥayyim 448:1). The annulment of a vow that a person regrets completely may be performed even while standing. However, if one does not entirely regret the vow, and it is therefore necessary to find an opening in order to annul it, this must be done while sitting. Fundamentally, the halakha does not require the one who took the vow to stand during this procedure, but it is customary for him to do so (Shulḥan Arukh, Oraĥ Ĥayyim 448:1).

Whoever utters a vow deserves to be pierced – (Perek VI. 64b). One who makes a vow is considered a sinner and a wicked person, even if he fulfills it. It is proper for a person not to vow at all (Shulḥan Arukh, Oraĥ Ĥayyim 99:2).

**Dispelling the effects of wine**

Passing by food – (Perek VI. 64b). It is prohibited to pass bread or any other edible food and allow it to be wasted. One certainly may not actively throw away food. If the amount of food is less than an olive-bulk, there is no prohibition involved, but it is still not proper to do so (Shulḥan Arukh, Oraĥ Ĥayyim 13:19).