The Gemara relates that two houses on opposite sides of a public domain, surrounded by a fence, cannot be rendered permitted in this manner. The outer courtyard may not be rendered permitted together with the inner courtyard. However, when I spoke, it was in accordance with the opinion of the Rabbis, who say: It is necessary to renounce one's rights in favor of each and every resident. Therefore, in order to render the outer courtyard permitted, it would be necessary for the person who forgot to establish the eiruv to renounce his rights in favor of the residents of the outer courtyard as well. However, he may not do so, as one may not renounce rights from one courtyard to another. Therefore, the outer courtyard may not be rendered permitted in this manner.

The Gemara clarifies the question: In accordance with the opinion of the one who said that there is no renouncing of rights from one courtyard to another, you have no dilemma, as carrying is certainly prohibited. Now, if in a case where had they wanted to establish an eiruv yesterday they could have established an eiruv, e.g., in a case of two adjacent courtyards with an entranceway between them, you say that there is no renouncing of rights from one courtyard to another; then here, in a case of two houses situated on opposite sides of a public domain, where had they wanted to establish an eiruv yesterday they could not have established an eiruv, because of the public domain between the houses, all the more so is it not clear that there is no renouncing of rights.

The Gemara relates that when Rav Hisda and Rav Sheshet would meet each other, Rav Hisda's lips would tremble according to the teachings of Rav Sheshet. Rav Sheshet's fluency and expertise were such that Rav Hisda would be filled with awe in his presence. For his part, Rav Sheshet's entire body would shake from Rav Hisda's sharpness, i.e., from his brilliant, analytical mind.

Rav Hisda raised a dilemma before Rav Sheshet: If there were two unconnected houses on two sides of a public domain, and gentiles came and enclosed them in a partition on Shabbat, what is the halakha? By erecting the fence, the gentiles nullified the public domain between the two houses, turning it into a private domain. Consequently, carrying from one house to the other is permitted by Torah law. The question is: Is it possible to render it permitted to carry even by rabbinic law? Can one resident renounce his rights to the area between the houses and thereby allow the other to carry there?
Two houses that they enclosed in a partition on Shabbat – רְשׁוּת רָרַבִּים
A courtyard that opens into an alleyway on one side and a valley on the other

The gentile died on Shabbat – מְעָרְבִי מֵאֶתְמוֹל

A courtyard that opens into a valley – לַבִּלְעָר

The gentile died – מַרוּ?

Where you have a dilemma is in accordance with the opinion of the one who said that there is renouncing of rights from one courtyard to another, and the two sides of the question are as follows. Perhaps there, where had they wanted to establish an eiruv yesterday they could have established an eiruv then, they can also renounce rights now. But here, where they could not have established an eiruv yesterday even had they wanted to, one may not renounce rights now either.

Or perhaps there is no difference between the two cases. Since renunciation of rights is possible under the current circumstances, yesterday’s situation is not taken into account. Rav Sheshet said to Rav Hysda: In such a case, one may not renounce his rights.

Rav Hysda posed a similar question: If two Jews and a gentile shared a courtyard, and no steps had been taken prior to Shabbat to render it permitted to carry in the shared courtyard, the gentile died on Shabbat.

Rather, there is a dilemma in accordance with the opinion of the one who said that they may not rent from the gentile in such a case. The two sides of the question are as follows: Perhaps it is two actions that we may not perform, rent and renounce; however, one action alone we may perform; or perhaps there is no difference between one action and two. Rav Sheshet said to Rav Hysda: I say that in such a case one may renounce his rights, while Rav Hammuna said that one may not renounce his rights.

Rav Yehuda said that Shmuel said: With regard to a gentile who lives in a courtyard that opens into an alleyway in which many Jews reside, and he has another entrance on the other side of the courtyard, even one that is only four by four handbreadths in size, that opens into a valley, then in such a case, even if all day long he brings camels and wagons in and out of his courtyard by way of the alleyway, so that it is evident that he uses the alleyway, he nonetheless does not render it prohibited for the residents of the alleyway to carry. He is not considered a resident of the alleyway alongside them, as the entrance from the field is viewed as the true entrance to his courtyard.

What is the reason that his small entrance from the field is considered his main entrance? Because the entrance that is exclusively his is preferable to him. Despite its small size, the gentile views the entrance from the field as his main entrance, while he uses the one that opens into the alleyway only when it is convenient.

Based on this assumption, a dilemma was raised before the Sages: If the gentile’s courtyard opens into an alleyway in which Jews reside, and it also has an entrance that opens into an enclosure rather than into a valley, what is the halakha? Which entrance is considered his primary entrance? Rav Naĥman bar Ami said, citing a tradition [mishmey detalmuda] he received from his teachers:

The gentile died – מַרוּ?

This question posed by Rav Hysda is also related to the previous one. May one renounce rights to a courtyard on Shabbat only if there had been an option of establishing an eiruv the day before, or is it possible to change the status of the courtyard even when it had been impossible to establish an eiruv? The rationale of Rav Sheshet’s answer to this question is based on the difference between this case and the previous one. Rav Sheshet is lenient either because the residents of the courtyard could have rented from the gentile the day before (Rashi) or because the gentile was not present the day before to render it prohibited to carry, as he arrived only on Shabbat (Tosafot). The common denominator in these explanations is that the option of establishing an eiruv was available the day before.

Opens into an enclosure – מִשְּׁמֶירּ דְּאָד
Even if it opens into an enclosure, this is considered its main entrance, rather than the one that opens into the alleyway.

It is Rava and Rav Yosef who both say: The halakha in such a case depends on the identity of the owner of the courtyard. With regard to a courtyard owned by a gentile, if the enclosure behind his courtyard is the size of two bet se’ar or less, he renders it prohibited for the Jewish residents of the alleyway to carry. An enclosure of this size is not large enough for all the gentile’s needs, and therefore his main entrance is the one that opens into the alleyway. However, if the enclosure is greater than the size of two bet se’ar, he does not render it prohibited for the residents of the alleyway to carry, as such an enclosure is sufficient for all his needs.

On the other hand, with regard to a courtyard owned by a Jew, if the enclosure is the size of two bet se’ar or less, he does not render it prohibited for the other residents of the alleyway to carry, even if he did not join in an eiruv with them. Because he has the option of carrying in such an enclosure on Shabbat, he would not carry in the alleyway, as it is more convenient for him to carry in a place that belongs exclusively to him. However, if the enclosure is greater than the size of two bet se’ar, in which case it is prohibited to carry there, the Jew would carry only by way of the alleyway. Therefore, he renders it prohibited for his fellow residents of the alleyway to carry unless he establishes an eiruv with them.

With regard to this issue, Rava bar Hakli rose a dilemma before Rav Huna: If the gentile’s courtyard opens into an alleyway, and it also has an entrance that opens into an enclosure, what is the halakha? He said to him: They have already said that if the enclosure is the size of two bet se’ar or less, the gentile renders it prohibited for the Jewish residents of the alleyway to carry; however, if it is more than two bet se’ar, he does not render it prohibited for them to carry. Ulla said that Rabbi Yoḥanan said: With regard to an enclosure greater than the size of two bet se’ar that was not originally surrounded by a fence for the purpose of residence, even if it is as large as a field that produces a crop of one kor, and even two kor, one who inadvertently throws an object into it from the public domain is liable to bring a sin-offering, like one who throws into a private domain. What is the reason for this? It is because the partition of an enclosure is a valid partition. Consequently, the enclosure is considered a private domain by Torah law, except that it is lacking residents, and therefore the Sages did not permit one to carry inside it as in a proper private domain.

Rav Huna bar Hinnana raised an objection from the following baraita: With regard to a rock protruding from the sea that is ten handbreadths high and four handbreadths wide, one may not carry from it to the sea or from the sea to it on Shabbat. The rock has the status of a private domain, while the sea is a karmelit, and it is prohibited to carry from a private domain into a karmelit or vice versa on Shabbat. If the rock is smaller than this, either in height or width, so that it is no longer considered a private domain, one may carry to or from it. How large may the rock be? It may be up to the size of two bet se’ar.

The Gemara attempts to clarify the meaning of this baraita: To which part of the baraita is the clause: Up to the size of two bet se’ar, referring? If you say it is referring to the latter clause, can it be that with regard to a rock that is less than ten handbreadths high, the halakha is that carrying is permitted if the rock is up to the size of two bet se’ar, but no more than that? Wouldn’t he be carrying from one karmelit to another, which is certainly permitted?
Arukh, the ruling is in accordance with the second opinion. Carrying within the rock is common— סֶלַע שֶׁבַּיָּם a rock in the sea— as stated by Rav Ashi. Whether or not it is also permitted to an adjacent karmelit (Rashba).

HALAKHA

A rock in the sea—a יָתֵר מִבֵּית סָאתַיִם: it is prohibited to carry on a rock that forms an island in the sea if its area is larger than two ēravim. However, it is permitted to carry from it to the sea, as stated by Rav Ashi. Whether or not it is also permitted to carry from an enclosure larger than two ēravim to a karmelit is a matter of dispute. The Rambam and the Ra’avad hold that it is prohibited (Magid Mishneh), while Tosafot and Rashba rule that it is permitted to carry from an enclosure to an adjacent karmelit even on dry land. In the Shulḥan Arukh, the ruling is in accordance with the second opinion (Rambam Sefer Zemanim, Hilkhot Shabbat 16:2; Shulḥan Arukh, Orah Hayim 361:3).

Rather, it is not referring to the first clause of the baraita, and this is what it is saying: With regard to a rock protruding from the sea that is ten handbreadths high and four handbreadths wide, one may not carry from it to the sea or from the sea to it, as it has the status of a private domain. And how large may it be for this prohibition to apply? Up to the size of two ēravim. But if the rock is larger than the size of two ēravim, one may carry. Apparently, it is a karmelit in all respects, and not just as a stringency. This appears to be a conclusive refutation of the opinion of Rabbi Yoĥanan.

Rava said: Only one who does not know how to explain mish-nayot raises such refutations against Rabbi Yoĥanan, one of the greatest Sages of his generation. Rather, the baraita is to be understood as follows: Actually, the final words of the baraita refer to the first clause, and this is what it is saying: With regard to a rock protruding from the sea that is ten handbreadths high and four handbreadths wide, one may not carry from it to the sea or from the sea to it, but within it, on the rock itself, one may carry, as it is considered a private domain. And how large may the rock be and remain permitted? Up to two ēravim.

Rav Ashi said that the baraita may be explained differently, yet still in a manner that does not refute the words of Rabbi Yoĥanan: Actually, the final words of the baraita refer to the first clause, as stated by Rav Huna bar Hanina. However, one may not infer from them a principle with regard to enclosures, as they said that the halakha is stringent in one case, and they said that the halakha should be lenient in a different case, i.e., the same Sages who were stringent in one case were lenient in the other.

How so? They said that in the case of an enclosure greater than the size of two ēravim that was not originally enclosed with a fence for the purpose of residence, one may carry only a distance of four cubits, as it has the status of a karmelit in this regard. And they also said that one may not carry from a private domain to a karmelit. Both of these halakhot are decrees of the Sages.

Therefore, the Sages developed the following principles: With regard to a rock that is no larger than two ēravim, so that it is permitted to carry on all of it, the Sages prohibited carrying from the sea to it and from it to the sea. What is the reason for this? It is that the rock is a full-fledged private domain, and they did not permit one to carry from a private domain to a karmelit or vice versa.

However, if it is larger than the size of two ēravim, so that it is prohibited to carry on all of it by rabbinic decree, the Sages permitted carrying from the sea to it and from it to the sea. What is the reason for this? It is because the Sages were concerned that perhaps people would say that it is a proper private domain, and they would come to carry on all of it. Were the Sages to prohibit carrying from the rock to the sea, people would think that it is a full-fledged private domain, and they would carry on it. Since all these decrees are rabbinic in nature, the Sages permitted carrying from a private domain to a karmelit in this case in order to prevent people from violating a different rabbinic decree, which prohibits carrying in an enclosure that is greater than the size of two ēravim. However, no general conclusion may be inferred from this that an enclosure larger than two ēravim is not a private domain by Torah law.

The Gemara asks: And what is the difference between the decrees that caused the Sages to choose to uphold the one decree and not the other? The Gemara answers: ‘The difference is that carrying within the rock is common’ whereas carrying from it to the sea and from the sea to it is not common. The Sages permitted carrying in the less likely scenario in order to reinforce the decree against carrying within the rock, the more common situation.
The Gemara now relates that there was once a certain baby whose warm water, which had been prepared for his Shabbat circumcision, spilled. Rabba said to them: Let them bring warm water for him from my house. Abaye said to him: But we did not establish an eiruv in the courtyard, so it is prohibited to carry the water.

Rabba said to him: Let us rely on the merging of alleyways, which may serve in place of joining of courtyards in pressing circumstances such as these. Abaye said to him: But we did not establish a merging of alleyways either. Rabba replied: If so, let them instruct a gentile to bring the warm water for him, even though it is generally prohibited to instruct a gentile to perform labor for a Jew that involves a desecration of Shabbat.45

Abaye said: I wanted to raise an objection against the Master, Rabba, but Rav Yoṣef would not let me do so, as Rav Yoṣef said that Rav Kahana said: When we were in Rav Yehuda’s house, he would say to us when we were presented with a halakhic difficulty: With regard to a Torah law, we first raise objections and then we perform an act, i.e., if someone has an objection to a proposed action, we must first clarify the matter and only then may we proceed. However, with regard to rabbinic laws, we first perform an act and then we raise objections.

Afterward, when they had brought the water, Rav Yoṣef said to Abaye: What objection did you wish to raise against the Master, Rabba? He said to him: As it was taught in a baraita: Sprinkling the water of purification on an impure person on Shabbat is not prohibited by Torah law; rather, it is only a rabbinic decree46 to enhance the character of Shabbat as a day of rest. And telling a gentile to perform a Shabbat labor on behalf of a Jew is likewise only a rabbinic decree.

### NOTES

Let them instruct a gentile – אֲמַר לֵירּ לְגוֹי לְשָׁתֵי abaye: Despite the fact that it is generally prohibited to instruct a gentile to perform work for Jews on Shabbat, the commandment of circumcision is important enough to override the Halakhot of Shabbat. Therefore, in this case of a rabbinic prohibition, e.g., telling a gentile to perform a prohibited labor, it is proper to violate the rabbinic decree in order to fulfill this mitza.

Sprinkling is a rabbinic decree – תְּרוּפָּא: Abaye gave the example of sprinkling, as that is a case where the activity is required for the sake of a mitza. Furthermore, the purposeful neglect of this mitza causes the individual to be in a state of a desecration of Shabbat.

### HALAKHA

Instructing a gentile – אֲמַר לֵירּ לְגוֹי כְּשֶׁהָיִיתוּ לֵירּ חֲמִימֵי מִגּוֹ Abaye said: I wanted to raise an objection against the Master, Rabba, but Rav Yoṣef would not let me do so, as Rav Yoṣef said that Rav Kahana said: When we were in Rav Yehuda’s house, he would say to us when we were presented with a halakhic difficulty: With regard to a Torah law, we first raise objections and then we perform an act, i.e., if someone has an objection to a proposed action, we must first clarify the matter and only then may we proceed. However, with regard to rabbinic laws, we first perform an act and then we raise objections.

A rabbinic decree that involves an action and a rabbinic decree that does not involve an action – הבאת מים לְגוֹי: A rabbinic decree that involves an action and a labor that does not involve an action is likewise only a rabbinic decree. What is involved here is a mitzva, which is a rabbinic decree. A rabbinic decree that involves an action and is likewise only a rabbinic decree is likewise only a rabbinic decree. For the sake of a mitza, one is permitted to instruct a gentile to perform an action on Shabbat that is prohibited by rabbinic law. This ruling is in accordance with Rabba, as explained by Rav Yoṣef (Shuṭhan Arukḥ, Dibḥ Hayyim 331b).