Abaye said: I wanted to raise an objection against the Master, Rabba, but Rav Yosef would not let me do so, as Rav Yosef 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 then 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 Yosef 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 decree to enhance the character of Shabbat. According to this reading, Abaye said to him: Let us rely on the merging of alleyways, which may serve in place of a joining of courtyards in pressing circumstances such as these. 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 them: Let us rely on the merging of alleyways, which may serve in place of a joining of courtyards in pressing circumstances such as these. Abaye said to him: But we did not establish an eiruv in the courtyard, so it is prohibited to carry the water.

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.

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Rabba said to those who objected: Let them instruct a gentile – do not say something in the alleyway! Abaye did not let them say something to a gentile.

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Abaye: Let them instruct a gentile – do not say something in the alleyway! Abaye did not let them say something to a gentile.
One who requests wine from a merging of alleyways

Partnership in a courtyard

Entrances for removing a corpse

A certain baby whose warm water spilled

If a corpse is in a house, and the house has many entrances

If there is a corpse in a house with many entrances, all of the entrances are ritually impure, even because the house is like a sealed grave (Rambam) or because the impurity will eventually exit through one of the entrances (Rashi). If one of the entrances is opened, that entrance alone is impure, while the others remain pure. Similarly, if one decided to remove the corpse through one of the entrances, that entrance alone is impure. This type of designation is effective even if the matter was decided only after the person had died, in accordance with the opinion of Beit Hillel (Rambam Shefer Tahara, Hilkhhot Tahara 7:3).

As it was taught in a baraita: If one of the residents of an alleyway requested wine or oil from the merging of alleyways, and they did not give him any, the merging of alleyways is invalid. This is because it has become evident that he is not considered a true partner in it.6

Rabba bar Rav Hanin further asked: But let the Master transfer them a quarter-log of vinegar in one of his barrels; certainly even Abaye could afford to provide such a small amount of vinegar for the rest of the residents. Abaye replied: It was taught in a baraita: One may not use food in a storeroom for a merging of alleyways, as it is not clear which specific portion of the food is being set aside for that purpose. The same halakha would apply to an unspecified quarter-log of vinegar in a barrel.

Rabba bar Rav Hanin raised a difficulty. Wasn’t it taught in a different baraita: One may use stored food for a merging of alleyways? Rav Oshaya said: This is not difficult. This source, the baraita that states that one may not use stored food for a merging of alleyways, is in accordance with the opinion of Beit Shammai. And that source, the baraita that states that it is permitted to do so, is in accordance with the opinion of Beit Hillel. Beit Shammai and Beit Hillel disagree about whether or not to apply the principle of retroactive clarification.

As we learned in a mishna: If a corpse is in a house, and the house has many entrances,7 they are all ritually impure. It is currently unknown through which entrance the corpse will be removed from the house, and any of the entrances might be used for this purpose. Therefore, they all contract impurity imparted by a corpse in a tent as though the corpse had already passed through each of them.

However, if only one of them was open, that particular entrance is ritually impure, as the corpse will certainly be removed through it, while all of the others are ritually pure. If one decided from the outset to remove the corpse through one of the entrances, or through a window that is four by four handbreaths in size, it saves all of the other entrances from contracting impurity.

Beit Shammai say: This applies only if he had decided on an entrance before the person died, so that the entrance through which his body would be removed was already determined at the time of death. But Beit Hillel say: This applies even if he decided the matter only after the person had died, as the principle of retroactive selection is invoked and the entrance through which the deceased will be removed has been retroactively established. The same dispute applies to a merging of alleyways with an unspecified portion of stored food, and it revolves around whether it can be retroactively established that a specific portion had been set aside for the merging of alleyways.8

The Gemara relates another story about a certain baby whose warm water spilled.9 Rava said to those who had brought the matter to his attention: Let us ask the baby’s mother. If the warm water is necessary for her health, let a gentile heat water for the baby indirectly, through his mother. In other words, the water may be heated for the mother, as a woman after childbirth is regarded as being in a life-threatening situation.

Rav Mesharshiya said to Rava: The baby’s mother is healthy enough that she is eating dates. Certainly her condition is not precarious enough to necessitate the heating of water. Rava said to him: It is possible to say that it was merely a ravenous hunger that had seized her, and she is unaware of what she is eating, but in fact she is still dangerously ill.
The Gemara relates yet another similar incident: There was once a certain baby whose warm water, which had been prepared for his Shabbat circumcision, spilled. Rava, who had water in his courtyard, but had not established a joint eiruv with the adjacent courtyard where the baby was located, said to those who asked him about the matter: Clear away my belongings from the men’s chamber, which opens directly into my courtyard, to the inner women’s chamber, which does not. Rava was concerned that he would come to carry his belongings into the courtyard, which would be prohibited once he had renounced his rights to it. And I will go and sit there, in the women’s chamber, and I will renounce my rights to this courtyard in favor of the residents of the baby’s courtyard, so that they will be able to transfer the warm water from one courtyard to the other.⁹

Ravina said to Rava: Didn’t Shmuel say: There is no renunciation of rights from one courtyard to another. How, then, can you renounce your rights to your courtyard in this manner? Rava said to him: I hold in accordance with the opinion of Rabbi Yoḥanan, who said: There is renouncing of rights from one courtyard to another.

Ravina then asked Rava: But if the Master does not hold in accordance with the opinion of Shmuel,

let the Master remain in his place, i.e., in the men’s chamber, and renounce his rights to his courtyard in favor of the residents of the baby’s courtyard, so that they may transfer the water from one courtyard to the other. And then, after the water has been moved, let them renounce their rights in favor of the Master, so that he may once again carry in his courtyard. As Rav said: If two people who live in the same courtyard forgot to establish an eiruv, one person may renounce his rights in favor of the other when he needs it, and the second person may then renounce his rights in favor of the first when he needs it.

Rava replied: In this regard, I hold in accordance with the opinion of Shmuel, who said: One person may not renounce his rights in favor of the other and then subsequently have the second person renounce his rights in favor of the first.

Ravina raised a difficulty: Isn’t the reason for both halakhot one and the same? What is the reason that one may not renounce his rights in favor of the other and then subsequently have the other renounce his rights in favor of the first? Is it not because it is assumed that since he renounced his rights to the courtyard, it is as if he has completely removed himself from here, and he is now considered like the resident of a different courtyard, and Shmuel holds that there is no renouncing of rights from one courtyard to another? If so, the Master should likewise not renounce his rights to his courtyard. If you accept Shmuel’s opinion with regard to subsequent renouncing, you should likewise accept his opinion with regard to renunciation of rights from one courtyard to another.

Rava responded: That is not Shmuel’s reason for prohibiting subsequent renunciations. There, this is the rationale for his opinion: So that the words of the Sages should not be a subject of laughter and mockery.¹⁰ If it is permitted for one person to renounce his rights in favor of another and then for the second person to renounce his rights in favor of the first, the Sages’ enactment will lose all meaning.

¹⁹ See regarding the decision by different Rishonim to accept the opinion of Rava regarding eiruv. For a thorough discussion of the Rishonim’s ruling, see the commentary of Rashi and the relevant cases in Halosekim, and also see the relevant cases in Shulḥan Arukh (Oraĥ Ĥayyim 381:7).

¹⁰ As we shall see throughout the Gemara, the fear of ridicule surrounding the words of the Sages is a prevalent concern.

**BACKGROUND**

**HALAKHA**

One may renounce the second person may then renounce – נפקדין זר אין הקסיל

One may renounce his rights in favor of another resident of his courtyard, and then the other resident may subsequently renounce his rights in favor of the first. This ruling is in accordance with the opinion of Rav Ashi and the statement of Rav, since the Halakho accords with Rav when he disagrees with Shmuel in matters of ritual law (Shulḥan Arukh, Orah Hayyim 381:7).

**NOTES**

Laughter and mockery – שלום לא תימנה. The concern that the words of the Sages might be the target of ridicule appears in several contexts, usually when they rule in a manner that directly contradicts a previous ruling. Such an obvious retraction makes it seem that the original ruling was not sufficiently established and renders the whole process laughable.
Subsequent renunciation and removal from one’s domain – תבטול חוזר וסילו רשות. The fact that the Gemara reconciles the statements of Rav and Shmuel with the opinions of both Rabbi Eliezer and the Rabbis implies that everyone agrees there is no renunciation of rights from one courtyard to another. However, it is also possible to explain that both sides do not allow renunciation in this case, not because those who renounce their rights and remove themselves from their domain are considered like residents of a different courtyard, but because they assume the legal status of a gentile, who cannot renounce rights (Me‘iri; Ritva).

The Gemara proceeds to examine in greater detail the issue raised in the previous discussion. Returning to the matter itself, Rav said: If two people who live in the same courtyard forgot to establish an eiruv, one may renounce his rights in favor of the other, and then the second person may renounce his rights in favor of the first. And Shmuel said: One may not renounce his rights in favor of the other and then subsequently have the second person renonce his rights in favor of the first.

The Gemara suggests: Let us say that Rav and Shmuel disagree about the same point of dispute as the Rabbis and Rabbi Eliezer. Elsewhere it is taught that Rabbi Eliezer and the Rabbis disagree with regard to the halakha in a case where one of the residents of a courtyard forgot to join in the eiruv, but subsequently renounced his rights to the courtyard on Shabbat. The dispute revolves around the status of this resident’s house. Rabbi Eliezer holds that it is prohibited for him to carry in and out of his house, while the other residents of the courtyard are permitted to do so. However, the Rabbis hold that the other residents are prohibited from carrying in and out of his house as well.

The Gemara rejects this comparison: Rav could have said to you: What I said is even in accordance with the opinion of Rabbi Eliezer. Rabbi Eliezer stated his opinion there, that one who renounces his rights to his courtyard does not renounce his rights to his house. As he has not completely removed himself from the courtyard, the other residents may later go back and renounce their rights in his favor. And Shmuel stated his ruling in accordance with the opinion of Rabbi Eliezer. He maintains that this resident has completely removed himself from the courtyard. Therefore, there is no possibility of others subsequently renouncing their rights in his favor, as he is no longer considered a resident of the courtyard.

This dispute between Rav and Shmuel is like an earlier dispute between tanna’im. We learned elsewhere in a mishna: If one gave away his rights to his share of the courtyard to the other residents of the courtyard by renouncing them after having forgotten to establish an eiruv with the other residents on the previous day, and then he carried something out from his house into the courtyard, whether he did so unwittingly, forgetting that he had renounced his rights, or intentionally, he once again renders carrying prohibited for all the residents of the courtyard, as his action cancels his renunciation. This is the statement of Rabbi Meir. Rabbi Yehuda says: If he did so intentionally, he renders carrying prohibited for the other residents; but if he did it unwittingly, he does not render carrying prohibited for them.
What is it not that they disagree with regard to this: One Sage, Rabbi Meir, holds that a person who renounces his rights does not remove himself completely from his domain, and therefore one person may renounce his rights in favor of another, and the second person may then renounce his rights in favor of the first. As a result, even an inadvertent act of carrying serves to cancel the renunciation. And one Sage, Rabbi Yehuda, holds that one who renounces his rights removes himself completely from his domain, and therefore one person may not renounce his rights in favor of another and then subsequently have the second person renounce his rights in favor of the first. In that case, only an intentional act of carrying can cancel the renunciation.

Rav Aĥa bar Tabalifa said in the name of Rava: No, everyone agrees that a person who renounces his rights removes himself completely from his domain, and therefore one person may not renounce his rights in favor of another and then subsequently have the second person renounce his rights in favor of the first. And here, they disagree with regard to the question: Did the Sages penalize an unwitting offender due to an intentional offender? One Sage, Rabbi Meir, who states that the resident always renders carrying prohibited for the others, holds that they penalized an unwitting offender due to an intentional offender. And one Sage, Rabbi Yehuda, who states that the resident renders carrying prohibited for the others only if he acted intentionally, holds that they did not penalize an unwitting offender due to an intentional offender.

Rav Ashi, disagreeing with the Gemara’s refutation, said: Rav and Shmuel disagree in the same dispute as do Rabbi Eliezer and the Rabbis.

It was stated in the mishna that Rabban Gamliel said: There was an incident involving a certain Sadducee who lived with us in the same alleyway in Jerusalem, who renounced his rights in the alleyway before Shabbat. The mishna then continues with a discussion about how and whether the alleyway may be used on Shabbat. The Gemara first poses a question: A Sadducee; who mentioned his name? The mishna had thus far spoken only of a gentile, so why does Rabban Gamliel invoke an incident involving a Sadducee?

The Gemara answers: The mishna is incomplete. It is missing an important element, and this is what it is teaching: The legal status of a Sadducee is like that of a gentile, and Rabban Gamliel says: The legal status of a Sadducee is not like that of a gentile. And Rabban Gamliel further said: There was an incident involving a certain Sadducee who lived with us in the same alleyway in Jerusalem, who renounced his rights in the alleyway before Shabbat, and Father said to us: Hurry and take out your utensils to the alleyway to establish possession of it before he changes his mind and takes out his utensils, in which case he would render it prohibited for you to use the entire alleyway.

And similarly, wasn’t it taught in a baraita that the status of a Sadducee is a matter of dispute between tannaim: If one lives with a gentile, a Sadducee, or a Boethusian in the same alleyway, they render carrying prohibited for him. Rabban Gamliel says: A Sadducee or a Boethusian do not prohibit one from carrying. There was an incident involving a certain Sadducee who lived with Rabban Gamliel in the same alleyway in Jerusalem, and he renounced his rights to the alleyway before Shabbat. Rabban Gamliel said to his sons: Hurry and take out those utensils that you wish to take out, and bring in those utensils that you wish to bring in, before that loathsome person retracts his renunciation and takes out his utensils and prohibits you from using the alleyway, as he renounced his rights in your favor; this is the statement of Rabbi Meir.

Rabbi Yehuda says: Rabban Gamliel spoke to them with a different formulation, saying: Hurry and do whatever you must do in the alleyway prior to Shabbat, before night falls and he prohibits you from using the alleyway.\footnote{Mak 66a:2, Rambam, Hilkhot Eiruv 385:1.}
The Gemara proceeds to analyze this baraita. The Master said previously: Take out those utensils that you wish to take out, and bring in those utensils that you wish to bring in, before that loathsome person takes out his utensils and prohibits you from using the alleyway. The Gemara poses a question: Is that to say that, according to Rabbi Meir, if they took out their utensils and then afterward the gentle or Sadducee took out his utensils on Shabbat, he does not render carrying prohibited for them?

But didn’t we learn elsewhere in the mishna: If one gave away his rights in his courtyard to the other residents of the courtyard, renouncing them after having forgotten to establish an eiruv with them the previous day, and then he carried something out from his house into the courtyard, whether unwittingly or intentionally, he again renders it prohibited for all the residents of the courtyard to carry; this is the statement of Rabbi Meir. This indicates that according to Rabbi Meir, even if the resident carried something into the courtyard on Shabbat itself, he cancels his renunciation, contrary to Rabbi Meir’s own statement in the mishna with regard to a Sadducee.

Rav Yosef said: Say that Rabbi Meir’s statement should read instead: He does not render it prohibited. Abaye said: It is not difficult, as the contradiction between the two teachings of Rabbi Meir can be resolved as follows: Here, where the Sadducee cannot cancel his renunciation, it refers to a case where the residents of the alleyway had already taken possession⁵ of the alleyway before he brought out his vessels; whereas here, where the Jew cancels his renunciation, it refers to a case where the residents of the alleyway had not taken possession of the alleyway prior to his act of carrying.

And similarly, it was taught in a baraita: With regard to one who failed to join in an eiruv with the other residents of his alleyway, if he carried something from his house into the alleyway before he gave away, i.e., renounced, his rights in the alleyway, whether unwittingly or intentionally, he can still renounce his rights; this is the statement of Rabbi Meir. Rabbi Yehuda says: If he unwittingly carried from his house into the alleyway, he can still renounce his rights, but if he did so intentionally, he cannot renounce them, for one who publicly transgresses the words of the Sages and intentionally desecrates Shabbat has the status of a gentile.

However, if one already gave away, i.e., renounced, his rights in the alleyway, and then he carried⁶ something from his house into the alleyway, whether unwittingly or intentionally, he renders prohibited all the residents’ use of the alleyway, for his action cancels his renunciation; these are the words of Rabbi Meir. Rabbi Yehuda says: If he did it intentionally, he renders carrying prohibited; but if he carried inadvertently, he does not render carrying prohibited. In what case is this statement said? In a case where the residents of the alleyway had not already taken possession of the alleyway. But if the residents of the alleyway had already taken possession of the alleyway before he carried something into the alleyway, all agree that whether he did it unwittingly or intentionally, he does not render prohibited their use of the alleyway.

The Master said above in the baraita: Rabbi Yehuda says: Rabban Gamliel spoke to them with a different formulation, saying: Hurry, and do whatever you must do in the alleyway prior to Shabbat, before night falls, and he will render prohibited your use of the alleyway. It is apparent from this statement that a Sadducee is considered a gentile, whose renunciation of his rights in an alleyway is ineffective. But didn’t we learn in the mishna that according to Rabbi Yehuda, he said: Hurry, and do whatever you have to do before he takes out [yotza] his vessels and renders prohibited your use of the alleyway, which implies that until then they may in fact use the alleyway; that is, his renunciation is effective?