Therefore, since it is prohibited to carry in a ruin, one
ruin is not of sufficient importance to grant an area the    

Although Shmuel does not agree that the Sages issued such a decree, he nevertheless maintains that a   

Abaye said to Rav Yosef: Did Rabbi Yohanan  

Abaye said to Rav Yosef: Did Rabbi Yohanan say that even a vineyard   

And Shmuel said: Even one house without a courtyard and one courtyard with just one house is enough. And Rabbi Yohanan said: Even a ruin and a courtyard with a house suffice for a side post or a cross beam to render carrying in an alleyway permitted. 

Rav Shmuel: Did Rabbi Yohanan say that even a vineyard path and a courtyard with a house suffice to allow a side post or a cross beam to render carrying in the alleyway permitted? He said to him: Rabbi Yohanan said his ruling only in the case of a ruin, which is fit to serve as a residence. However, a vineyard path, which is not fit to serve as a residence, is not sufficient.  

And Shmuel: If the homeowners did not join the courtyard by means of an einuv, it is prohibited to carry vessels from their houses to the roof, enclosure, or courtyard.  

And Rav: The halakha is in accordance with the opinion of Rabbi Yohanan. And this is only in a case where the residents of the courtyards did not establish an einuv for each courtyard, so that they may only carry the vessels left in the courtyards, but they may not take out vessels from their houses into their courtyards. However, if they established an einuv for each courtyard, we decree against carrying even vessels that were in the courtyard when Shabbat began, lest they come to take out objects from their houses to the courtyard. This would lead to the mistake of carrying those objects from one courtyard to another, which is prohibited. 

And Shmuel: The halakha is in accordance with the opinion of Rabbi Yohanan, whether the residents of the courtyards established an einuv for each courtyard or whether they did not establish an einuv for each courtyard. And so too, Rabbi Yohanan said: The halakha is in accordance with the opinion of Rabbi Shimon, whether they established an einuv for each courtyard or whether they did not establish an einuv for each courtyard. Apparently, Rabbi Yohanan maintains that we do not decree against carrying vessels that began Shabbat in the courtyard lest they come to take out objects from their houses to the courtyard. Here too, with regard to an alleyway that contains a ruin, we do not decree against carrying in the alleyway lest they come to take out objects from the courtyard to the ruin by carrying it through the alleyway. Although the ruin is not included in the einuv, as it has no residents, and one may not carry objects into it, Rabbi Yohanan is not concerned that one might come to carry in this prohibited manner.

Rav Beruna sat and recited this halakha stated by Shmuel, that an alleyway containing one house and one courtyard can be rendered permitted for carrying by means of a side post or cross beam.

 Unless there are houses and courtyards opening into it. This formulation implies that there must be at least two courtyards, each of which contains at least two houses. In the absence of these conditions, however, it is not considered an alleyway that can be permitted by means of a side post or a cross beam. And Shmuel said: Even one house without a courtyard and one courtyard with just one house is enough.

And Shmuel: If the homeowners did not join the courtyard by means of an einuv, it is prohibited to carry vessels from their houses to the roof, enclosure, or courtyard. However, if they established an einuv for each courtyard, we decree against carrying even vessels that were in the courtyard when Shabbat began, lest they come to take out objects from their houses to the courtyard. This would lead to the mistake of carrying those objects from one courtyard to another, which is prohibited.

And Shmuel: Did Rabbi Yohanan say that even a vineyard path and a courtyard with a house suffice to allow a side post or a cross beam to render carrying in the alleyway permitted? He said to him: Rabbi Yohanan said his ruling only in the case of a ruin, which is fit to serve as a residence. However, a vineyard path, which is not fit to serve as a residence, is not sufficient.

And Shmuel: Did Rabbi Yohanan say that even a vineyard path and a courtyard with a house suffice to allow a side post or a cross beam to render carrying in the alleyway permitted? He said to him: Rabbi Yohanan said his ruling only in the case of a ruin, which is fit to serve as a residence. However, a vineyard path, which is not fit to serve as a residence, is not sufficient.
Rashi implies that this attendant lived in the synagogue during Shmuel’s lifetime, before moving away when Shmuel died. Ivut bar Avin thought that this was of no consequence, because in his opinion the factor that determines a person’s place of residence is the location where he eats, while Shmuel maintained that one’s place of residence is determined by where one sleeps. Nevertheless, since the halakha is in accordance with the opinion of Rav, even if the attendant continued living there, this would not have affected the status of the alleyway, as Rav rules that one’s place of residence is where one eats. Therefore, Ivut bar Avin was the only resident of the alleyway. Consequently, carrying could not be permitted through the construction of a side post or a cross beam (Rashi).

A synagogue attendant – [ḥazzana] – הקנאת. In the talmudic period, the word ḥazzana referred to an attendant, especially a synagogue attendant. The attendant was charged with various synagogue-related duties, including the care of the children who came to study there, and occasionally with protecting the synagogue from thieves.

The Gemara attempts to bring a proof from the halakhot of eirus, we have only the wording of our mishna. The mishna states that an alleyway is to its courtyards like a courtyard is to its houses, which indicates that an alleyway must have at least two courtyards in order to be considered an alleyway and be rendered permitted for carrying through a side post or cross beam. Shmuel was silent and did not answer him.

The Gemara asks: Did Shmuel’s silence indicate that he accepted Rabbi Elazar’s objection and retracted his statement, or did he not accept it from him? The Gemara attempts to bring a proof from the following incident. Come and hear: There was a certain alleyway that Ivut bar Ihi lived in, which contained only one house and one courtyard. He erected a side post for it, and Shmuel permitted him to carry in it.

Following Shmuel’s death, Rav Anan came and threw the side post down, thus indicating to Ivut bar Ihi that it is prohibited to carry in the alleyway, as a side post is effective only for an alleyway that has at least two courtyards containing at least two houses each. Ivut bar Ihi said with resentment: The alleyway in which I have been living and walking based on a ruling in the name of Master Shmuel, shall Rav Anan bar Rav come now and throw its side post away from me? The Gemara comments: Learn from the fact that this side post remained intact throughout Shmuel’s lifetime that he did not accept Rabbi Elazar’s objection.

The Gemara rejects this proof. Actually, you can say that Shmuel accepted Rabbi Elazar’s objection and retracted his opinion, and here there was a synagogue attendant [ḥazzana] who would eat bread in his own house that was located elsewhere, but would come and sleep in the synagogue, which was open to the alleyway.

And Ivut bar Ihi holds that the place where a person eats his bread determines his place of residence. Therefore, he did not consider the synagogue a residence, as the attendant would eat elsewhere, and Ivut bar Ihi thought that Shmuel had permitted him to set up a side post for his alleyway even though he lived there by himself. In fact, however, this was not the case, as Shmuel followed his regular line of reasoning, as he said: The place where a person sleeps determines his place of residence. Since the attendant would sleep in the synagogue, it was considered a residence. Consequently, the alleyway contained two houses and courtyards, and could be made permitted for carrying by means of a side post or a cross beam.

NOTES

Shmuel was silent – [אוסר]. This is not the only instance when a Sage failed to respond to an objection raised against his opinion. However, the meaning of such silence is not always evident. It might be a result of the Sage’s inability to answer, or he may have thought that the question lacked substance and was unworthy of a response. Tosafot gauge the reply according to the relationship between the two parties. If the questioner is merely a student, the silence should be taken as a dismissal, but if he is a colleague or a peer, it is a sign that the Sage could not find an answer. Nevertheless, even if the Sage was unable to think of a reply, this does not necessarily imply a retraction on his part. The difficulty is sometimes not that severe, and despite the objection, the ruling stands. In our case, it is also possible that Shmuel retracted his other ruling rather than this one.

BACKGROUND

A synagogue attendant [ḥazzana] – הקנאת. In the talmudic period, the word ḥazzana referred to an attendant, especially a synagogue attendant. The attendant was charged with various synagogue-related duties, including the care of the children who came to study there, and occasionally with protecting the synagogue from thieves.
An alleyway, one side of which was occupied by a gentile and one side of which was occupied by a Jew. According to Rashi's explanation, the two adjacent Jewish courtyards are linked by means of a window. According to Tosafot's explanation, the alleyway is connected to several courtyards of Jews as well as one belonging to a gentile.

**HALAKHA**

Rav Yehuda said that Rav said: With regard to an alleyway, one side of which was occupied by a gentile and one side of which was occupied by a Jew, and the house of the Jew was connected to the houses of other Jews via windows but not via doors, and those other houses open directly into the public domain, the residents of the houses on the side of the alleyway where the Jews live may not establish an eiruv in order to render it permitted for the residents of the other houses to carry through the doors of the house leading to the alleyway.

Abaye said to Rav Yosef: Did Rav say this even with regard to a courtyard, one side of which was occupied by a gentile and the other side of which was occupied by a Jew whose house was connected through windows to the houses of other Jews? He said to him: Yes, as even if he did not say so, what would be the difference? It is the exact same principle.

Abaye responded: I would have said that the rationale for the opinion of Rav is because he holds that an alleyway cannot be rendered permitted for carrying within it with a side post and a cross beam unless there are houses and courtyards opening into it.

Rav Yosef said: If that were the reason, why would I need two rulings regarding the same issue? Rav already stated that an alleyway can be rendered permitted for carrying within it only if it has houses and courtyards opening into it. Abaye explained that both rulings are necessary. As, if Rav had taught this halakha only from that general ruling, in this manner, and they would have to rent the gentile's share of the alleyway (Meir).

Through the windows — לְתוֹכוֹ בְּתוֹךְ לָא אָמַר מַאי?: Rashi explains that the same principle applies if they wished to do so through the doors, and Rav was merely using a typical example. The Ri, in Tosafot, explains that Rav specifically meant windows, because if the houses were linked by doorways, the Jews would continue living next to the gentile without concern for his safety even if he would not establish an eiruv with the other Jews. Consequently, there is no reason to prohibit the Jews living there from establishing an eiruv (Maharsha, citing Mordekhai).

**NOTES**

An alleyway, one side of which was occupied by a gentile — יִשְׂרָאֵל מָבוֹי שֶׁצִּידּוֹ אֶחָד גּוֹי: Some of the ge'onim suggested the following explanation of this case, and the Rambam may have agreed with this interpretation: There were several Jewish courtyards on one side of the alleyway, in addition to one courtyard of a gentile. The Jewish residents of the alleyway wanted to establish an eiruv together via their windows so that their courtyards would be considered a single residence. This would give them the status of a single individual living in the same place that a gentile lives, and they would not have to rent the gentile's share in the alleyway in order to be permitted to carry there. Rav ruled that they cannot be considered like an individual in this manner, and they would have to rent the gentile's share of the alleyway (Meir).

An alleyway, one side of which was occupied by a gentile — דֶּרֶךְ חַלּוֹ וֹת שֶׁצִּידּוֹ אֶחָד גּוֹי: If an alleyway has a gentile living on one side and Jews living on the other, the Jews may not establish an eiruv utilizing common windows to render it permitted to carry through the doors of the Jew whose house is adjacent to and opens into the alleyway. If the courtyards of the Jews are linked by doors, it is permitted to establish an eiruv (Tosafot; Rashi), although some prohibit establishing an eiruv even in such a case (Rambam Sefer Zemanim, Hilkhot Eiruvin 5:18; Shulchan Arukh, Orah Hayyim 390:1).