

הוּהוּ אַמְיָנָא: דִּירַת גּוֹי – שְׂמֵה דִּירָה. קָא מְשַׁמַּע לָן: דְּדִירַת גּוֹי לֹא שְׂמֵה דִּירָה. וְאִי מִהָקָא – הוּהוּ אַמְיָנָא: לֹא יִדְעָנָא בְּתַיִם כְּמָה, קָא מְשַׁמַּע לָן: בְּתַיִם תְּרִין.

הַשְּׂתָא דְאָמַר רַב אֶפְלוּ חָצֵר, טַעְמָא דְרַב דְקָא סָבַר: אָסוּר לְעִשׂוֹת יַחֲדָי בְּמִקּוּם גּוֹי.

אָמַר רַב יוֹסֵף: אִי הָכִי, הֵינּוּ דְשַׁמְעָנָא לֵיהּ לְרַבֵּי טַבְלָא, דְאָמַר: גּוֹי גּוֹי תְרִי וְיָמְנִי, וְלֹא יִדְעָנָא מֵאֵי אָמַר.

**מתני'** שְׁתֵּי חֲצִירוֹת זו לְפָנִים מִזוּ, עִירְבָה הַפְּנִמִּית וְלֹא עִירְבָה הַחִיצוֹנָה – הַפְּנִמִּית מוֹתֶרֶת, וְהַחִיצוֹנָה אָסוּרָה.

הַחִיצוֹנָה וְלֹא הַפְּנִמִּית – שְׁתֵּיהֶן אָסוּרוֹת. עִירְבָה זו לְעִצְמָהּ וְזוּ לְעִצְמָהּ – זו מוֹתֶרֶת בְּפָנֵי עִצְמָהּ, וְזוּ מוֹתֶרֶת בְּפָנֵי עִצְמָהּ.

רַבִּי עֲקִיבָא אָסוּר הַחִיצוֹנָה, שְׂדֵרִיסַת הָרֶגֶל אוֹסְרָתָהּ. וְחַכְמֵי אֹמְרִים: אֵין דְרִיסַת הָרֶגֶל אוֹסְרָתָהּ.

שְׂכַח אֶחָד מִן הַחִיצוֹנָה וְלֹא עִירַב – הַפְּנִמִּית מוֹתֶרֶת, וְהַחִיצוֹנָה אָסוּרָה. מִן הַפְּנִמִּית וְלֹא עִירַב – שְׁתֵּיהֶן אָסוּרוֹת.

נָתַנו עִירוּבֵן בְּמִקּוּם אֶחָד, וְשָׂכַח אֶחָד מִן הַפְּנִמִּית בֵּין מִן הַחִיצוֹנָה וְלֹא עִירַב – שְׁתֵּיהֶן אָסוּרוֹת. וְאִם הָיוּ שְׁלֵשׁ יַחֲדִים – אֵינָן צָרִיכִין לְעִירַב.

I would have said that the residence of a gentile is considered a residence with regard to defining an area as an alleyway. Therefore, he teaches us that the legal status of the residence of a gentile is not considered a full-fledged residence in this regard. And if Rav had taught this *halakha* only from the ruling here, with regard to gentiles, I would have said that I do not know how many houses there are. Therefore, he teaches us that there must be at least two houses and two courtyards.

Now that Rav has said that this *halakha* applies even to a courtyard, this implies that the reason for the opinion of Rav is that he holds: It is prohibited for an individual to establish his home in the place where a gentile resides. Consequently, he is prohibited from establishing an *eiruv*, so that the difficulties of living there will force him to move.

Rav Yosef said: If so, this is why I heard Rabbi Tavla say: A gentile, a gentile, two times<sup>h</sup> while teaching this subject, even though I did not understand then what he meant to say. Now I realize that he was speaking about both an alleyway and a courtyard.

**MISHNA** With regard to two courtyards, one of which was within the other,<sup>h</sup> and the outer one opened into the public domain, the following distinctions apply: If the inner courtyard established an *eiruv* for itself and the outer one did not establish an *eiruv*, carrying in the inner one is permitted and carrying in the outer one is prohibited.

If the outer courtyard established an *eiruv* and the inner one did not, carrying in both is prohibited, as the residents of the inner courtyard pass through the outer one, and are considered to a certain extent as residents of the courtyard who did not participate in the *eiruv*. If this courtyard established an *eiruv* for itself, and that courtyard also established an *eiruv* for itself, but they did not establish a joint *eiruv* with one another, this one is permitted by itself, and that one is permitted by itself, but they may not carry from one to the other.

Rabbi Akiva prohibits carrying in the outer one even in such a case, as the right of entry to the outer courtyard enjoyed by the residents of the inner courtyard renders it prohibited. And the Rabbis disagree and say: The right of entry enjoyed by the residents of the inner courtyard does not render it prohibited. Since the residents of the inner courtyard do not use the outer one other than to pass through it, and they are permitted to carry in their own courtyard, they do not render it prohibited to carry in the outer courtyard.

If one resident of the outer courtyard forgot and did not contribute to the *eiruv*, carrying in the inner courtyard is permitted and in the outer one is prohibited. If one resident of the inner courtyard forgot and did not contribute to the *eiruv*, they are both prohibited, as the right of way enjoyed by the members of the inner courtyard through the outer courtyard renders the outer one prohibited as well.

If the residents of both courtyards put their *eiruv* in one place, and one person, whether he was from the inner courtyard or from the outer one, forgot and did not contribute to the *eiruv*, they are both prohibited for carrying within them, as the two courtyards are treated as one. And if the courtyards belonged to individuals,<sup>h</sup> i.e., if only one person lived in each courtyard, they are not required to establish an *eiruv*, as this requirement applies only to a courtyard occupied by multiple residents.

NOTES

**A gentile, a gentile, two times – גוי גוי תרי וימני** – Several explanations have been suggested for this expression. Later commentaries debate the implications for this discussion of Rashi's two explanations. Rabbeinu Hananel explains that two statements were issued in the name of Rav: The first is that the place where a gentile lives is not halakhically considered a residence. The second is that it is prohibited to live on one's own in the same courtyard as a gentile. According to this explanation, Rav Yosef did indeed hear two rulings regarding a gentile. Since he heard only that word, he was unaware of the precise topic of each teaching.

HALAKHA

**Two courtyards, one within the other – שתי חצירות זו לפניהם מוז**: If there were two courtyards, one located inside the other, and the residents of each made their own *eiruv*, they are permitted to carry only within their courtyard. If the residents of the inner courtyard made an *eiruv* but the residents of the outer courtyard did not, or if one of the residents of the outer one forgot to participate in the *eiruv*, the people living in the inner courtyard are permitted to carry, but those living in the outer one are prohibited from carrying. If the residents of the outer courtyard made an *eiruv* but the residents of the inner one did not, or if one of the residents of the inner courtyard forgot to participate in the *eiruv*, it is prohibited to carry in both courtyards. The residents of the inner courtyard, who may not carry in their own courtyard, render carrying in the outer one prohibited as well (*Shulhan Arukh, Oraḥ Hayyim 378:2*).

**Individuals – יחידים**: If two courtyards, one positioned within the other, are each occupied by a single individual, the residents are not required to establish an *eiruv* (*Shulhan Arukh, Oraḥ Hayyim 378:4*).

The foot of one who is prohibited does not render it prohibited – רגל האסורה אינה אוסרת – The commentaries question how Rabbi Yannai, according to Rav Dimi, derived this view of the Rabbis, as the only opinion explicitly mentioned in the mishna that a foot does not prohibit in a different place relates to a foot that is permitted in its own place. Some explain that this view is derived based on an inference from the statement of the Rabbis recorded in the mishna. Since they said: A right of entry does not render it prohibited to carry, as opposed to stating simply: It does not render it prohibited to carry, the indication is that according to the Rabbis, a right of entry never renders it prohibited to carry (Rashba; Ritva).

גמ' כי אתא רב דימי, אמר רבי ינאי: זו דברי רבי עקיבא, דאמר: אפילו רגל המותרת במקומה – אוסרת שלא במקומה. אבל חכמים אומרים: בשם שרגל המותרת אינה אוסרת – כך רגל האסורה אינה אוסרת.

תנן: עירבה חיצונה ולא פנימית – שתייהן אסורות. מני? אילימא רבי עקיבא – מאי איריא רגל אסורה? אפילו רגל מותרת נמי! אלא לאו – רבנן.

לעולם רבי עקיבא, ו"לא זו אף זו" קתני.

תנן: עירבה זו לעצמה וזו לעצמה – זו מותרת בפני עצמה, וזו מותרת בפני עצמה. טעמא – דעירבה, הא לא עירבה – שתייהן אסורות.

והא האי תנא, דאמר: רגל המותרת אינה אוסרת, רגל האסורה אוסרת, מני הא? אילימא רבי עקיבא היא – אפילו רגל המותרת נמי! אלא לאו – רבנן היא. ועוד, מדסיפא רבי עקיבא – רישא לאו רבי עקיבא!

**GEMARA** When Rav Dimi came from Eretz Yisrael to Babylonia he said in the name of Rabbi Yannai: This mishna, which states that if the residents of the outer courtyard established an *eiruv* but the residents of the inner one did not, they are both prohibited from carrying, is the statement of Rabbi Akiva, who said: Even the foot of one who is permitted in its own place, i.e., even someone from a courtyard in which he is permitted to carry, renders it prohibited when he is not in its own place. If he enjoys the right of entry to another courtyard he is considered like a resident of that courtyard as well, and if he does not participate in the *eiruv*, no one in that courtyard may carry. However, the Rabbis say: Just as the foot of one who is permitted in its own place does not render it prohibited to carry in another courtyard, so too, the foot of one who is prohibited in his place does not render it prohibited to carry in another courtyard.<sup>N</sup> Consequently, if only the residents of the outer courtyard established an *eiruv*, the residents of the inner one do not render it prohibited to carry in the outer courtyard.

We learned in the mishna: If the residents of the outer courtyard established an *eiruv* and the residents of the inner courtyard did not, they are both prohibited. Whose opinion is this? If you say it is that of Rabbi Akiva, why discuss particularly the case of a foot that is prohibited, i.e., a case where the inner courtyard did not establish an *eiruv*? According to Rabbi Akiva, even a foot that is permitted also renders it prohibited to carry. Therefore, even if the residents of the inner courtyard had established an *eiruv*, they would still render it prohibited to carry in the outer courtyard. Rather, is it not in accordance with the opinion of the Rabbis? This would indicate that the Rabbis agree that one who may not carry in his own courtyard does, in fact, render it prohibited to carry in a different courtyard through which he has right of entry, contrary to Rabbi Yannai's claim.

The Gemara rejects this argument: Actually, this part of the mishna is in accordance with the opinion of Rabbi Akiva, and he teaches the mishna employing the style: Not only this but also that. In other words, he begins by teaching the *halakha* in a relatively straightforward case and then proceeds to a more complicated example. Consequently, the mishna should be understood as follows: Not only is it prohibited to carry in both courtyards if the residents of the outer courtyard established an *eiruv* and the residents of the inner one did not, but even if the residents of both courtyards established separate *eiruvim*, it remains prohibited to carry in the outer one.

The Gemara continues: We learned in the mishna: If this courtyard established an *eiruv* for itself, and that courtyard also established an *eiruv* for itself, but the two courtyards did not establish a joint *eiruv* with one another, this one is permitted by itself, and that one is permitted by itself, but it is prohibited to carry from one courtyard to the other. The reason both courtyards are permitted by themselves is that the residents of the inner courtyard established an *eiruv*. By inference, if they did not establish an *eiruv* carrying in both would be prohibited.

But this *tanna*, who said that the foot of one who is permitted in his own place does not render it prohibited to carry, while the foot of one who is prohibited in its own place does render it prohibited to carry, who is this *tanna*? If you say it is Rabbi Akiva, there is a difficulty, as he holds that even the foot of one who is permitted in its own place also renders it prohibited to carry in a different place. Rather, is it not the opinion of the Rabbis, which indicates that the Rabbis agree that the foot of one who is prohibited in its own place does, in fact, render it prohibited to carry in a different place, in contrast to the statement of Rabbi Yannai? And furthermore, from the fact that the latter clause that follows immediately states the opinion of Rabbi Akiva, it is clear that the first clause, with which Rabbi Akiva disagrees, is not in accordance with the opinion of Rabbi Akiva.

A mnemonic: Outer; for itself; in the house of an individual; Ravina; where the inner one did not forget – **סימן: חיצונה עצמה בבית יחידאה רבינא דלא – מישבא בפנים**. The author of the *Ge'on Yaakov* explains this mnemonic as a reference to the difficulties the Gemara has already raised against Rav Dimi's statement in the name of Rabbi Yannai: If the inhabitants of the outer courtyard established an *eiruv*; if the residents of each courtyard established an *eiruv* for themselves; Rav Beivai's question with regard to individuals; and Ravina's objection concerning a resident of the inner courtyard who forgot to establish an *eiruv*.

כולה רבי עקיבא היא, וחסורי מיחסרה, והכי קתני: עירבה זו לעצמה וזו לעצמה – זו מותרת בפני עצמה, וזו מותרת בפני עצמה. במה דברים אמורים – שעשתה דקה, אבל לא עשתה דקה – חיצונה אסורה, דברי רבי עקיבא. שרבי עקיבא אוסר את החיצונה, מפני שדריסת הרגל אוסרת, ותכמים אומרים: אין דריסת הרגל אוסרת.

The Gemara responds: The entire mishna is in accordance with the opinion of Rabbi Akiva, and it is incomplete and teaches the following: If this courtyard established an *eiruv* for itself, and that courtyard also established an *eiruv* for itself, but they did not establish a joint *eiruv* with one another, this one is permitted by itself, and that one is permitted by itself, but they may not carry from one to the other. In what case is this statement said? In a case where the inner courtyard constructed a small partition at its entrance. However, if it did not construct a partition, the outer courtyard is prohibited. This is the statement of Rabbi Akiva, as Rabbi Akiva prohibits carrying in the outer courtyard because the right of entry enjoyed by the members of the inner courtyard renders it prohibited to carry. And the Rabbis say: The right of entry enjoyed by the members of the inner courtyard does not render it prohibited to carry.

מתניב רב ביבי בר אבמי: ואם היו של יחידים – אין צריכין לערב. הא של רבים – צריכין לערב. אלמא: רגל המותרת במקומה – אינה אוסרת, רגל האסורה – אוסרת.

Rav Beivai bar Abaye raised an objection based upon the final clause of the mishna: And if the courtyards belonged to individuals, i.e., if only one person lived in each courtyard, they are not required to establish an *eiruv*. Doesn't this indicate that if they belong to many people jointly, they need to establish an *eiruv*? Apparently, the foot of one who is permitted in his own place does not render it prohibited, but the foot of one who is prohibited in his own place does render it prohibited. This contradicts Rabbi Yannai's understanding of Rabbi Akiva's opinion.

ועוד מתניב רבינא: שכח אחד מן החיצונה ולא עירב – הפנימית מותרת, וחיצונה אסורה. שכח אחד מן הפנימית ולא עירב – שתייהן אסורות. טעמא דשכח, הא לא שכח – שתייהן מותרות. אלמא: רגל המותרת – אינה אוסרת, רגל האסורה – אוסרת.

And Ravina raised a further objection from the mishna: If one resident of the outer courtyard forgot and did not contribute to the *eiruv*, the inner courtyard is permitted for carrying and the outer one is prohibited. If one resident of the inner courtyard forgot and did not contribute to the *eiruv*, both courtyards are prohibited, as the right of way enjoyed by the members of the inner courtyard through the outer courtyard renders the outer one prohibited as well. The reason is that one of the residents forgot to contribute to the *eiruv*. But if he did not forget, and each courtyard established its own valid *eiruv*, both of them would be permitted. Apparently, the foot of one who is permitted in his own place does not render it prohibited to carry, but the foot of one who is prohibited in his own place does render it prohibited to carry. This cannot be in accordance with the opinion of Rabbi Akiva, as he holds that even the foot of one who is permitted in his own place renders it prohibited to carry elsewhere. Rather, it must be the opinion of the Rabbis, which proves that even they agree that the foot of one who is prohibited in his own place does render a different courtyard prohibited.

אלא, כי אתא רבין, אמר רבי ינאי: שלש מחלוקות בדבר: תנא קמא סבר: רגל המותרת – אינה אוסרת, רגל האסורה – אוסרת. רבי עקיבא סבר: אפילו רגל המותרת – אוסרת. ורבנן בתראי סברי: כשם שרגל מותרת אינה אוסרת – כך רגל האסורה אינה אוסרת.

Rather, this version must be rejected, and when Ravin came from Eretz Yisrael to Babylonia he cited a different version. Rabbi Yannai said: There are three disputes with regard to this matter. The first *tanna* holds that the foot of one who is permitted in his own place does not render it prohibited to carry elsewhere, but the foot of one who is prohibited in his own place does render it prohibited to carry. Rabbi Akiva holds that even the foot of one who is permitted in his own place renders it prohibited to carry in a different place. And the latter Rabbis hold that just as the foot of one who is permitted in his own place does not render it prohibited to carry, so too, the foot of one who is prohibited does not render it prohibited to carry. This explanation resolves all of the difficulties posed earlier.

נתנו עירובן במקום אחד ושכח אחד בין מן הפנימית וכו': מאי מקום אחד?

It was stated in the mishna: If the residents of both courtyards put their *eiruv* in one place, and one person, whether he was from the inner courtyard or from the outer one, forgot and did not contribute to the *eiruv*, it is prohibited to carry in both courtyards. The Gemara asks: What is the meaning of one place? Is the *halakha* different if the two courtyards established their *eiruv* in one place or in different places?

(סימן: חיצונה עצמה בבית יחידאה רבינא דלא משבא בפנים.)

Before continuing, the Gemara provides a mnemonic for the ensuing discussion: Outer; for itself; in the house of an individual; Ravina; where the inner one did not forget.<sup>N</sup>

NOTES

One place is referring to the outer courtyard – מקום אחד: The reason the mishna did not explicitly state that they placed the *eiruv* in the outer courtyard is that one might have thought that the reason it was invalid is that it was left in the courtyard itself rather than in one of the houses. Therefore, the mishna used the phrase one place, to indicate that the *eiruv* was left in a safe location (*Shoshanim LeDavid*).

Perek VI  
Daf 75 Amud b

HALAKHA

If they placed their *eiruv* in the outer courtyard – נתנו עירובן בחיצונה: If the residents of two courtyards, one inside the other, established a joint *eiruv* and placed it in the outer courtyard, but one of the residents forgot to participate in the *eiruv*, the residents of both courtyards are prohibited from carrying. When the *eiruv* is placed in the inner courtyard, the following distinction applies: If a resident of the outer courtyard forgot to contribute to the *eiruv*, the residents of the inner one are permitted to carry and those of the outer courtyard are prohibited from carrying. If the one who forgot to contribute was a resident of the inner courtyard, the inhabitants of both courtyards are prohibited from carrying, in accordance with the opinion of the Rabbis (*Shulhan Arukh, Orah Hayyim 378:3*).

NOTES

To our benefit and not to our detriment – לְתוֹכֵנוּ וְלֹא לְעוֹתֵנוּ: A similar expression is found in the context of the *halakhot* of agents: I sent you for my benefit, but not for my detriment. The rationale is that an agent, or in this case an *eiruv*, is appointed to benefit the one who sent him or who established the *eiruv*. If the mission causes harm, the one who sent the messenger can say that he did not appoint him as his agent for such an eventuality, thus nullifying the agency entirely. This claim is acceptable only where the agent improperly overstepped the bounds of his agency. Similarly, in this case, since a member of the courtyard failed to join the *eiruv*, the *eiruv* itself can be canceled.

אמר רב יהודה, אמר רב: חיצונה, ומאי קרו לה "מקום אחד" – מקום המיוחד לשתיהן.

Rav Yehuda said that Rav said: The mishna is referring to a case when the residents of both courtyards established their *eiruv* in the outer courtyard. And why did they call it one [*ehad*] place?<sup>N</sup> Because it is a place that is designated [*meyuhad*] for the residents of both courtyards, as the members of the inner one also pass through the outer courtyard. Therefore, if a member of the outer courtyard forgot to contribute to the *eiruv*, the inner courtyard is also prohibited. Since the *eiruv* of the inner courtyard is located in the outer courtyard, the residents of the inner courtyard cannot separate themselves from the outer one. However, if the *eiruv* was deposited in the inner courtyard and a member of the outer courtyard forgot to contribute to the *eiruv*, carrying in the inner courtyard is permitted, because in that situation they can separate themselves from the outer courtyard.

תנא נמי הכי: נתנו עירובן בחיצונה, ושכח אחד בין מן החיצונה ובין מן הפנימית ולא עירב – שתיהן אסורות. נתנו עירובן בפנימית, ושכח אחד מן הפנימית ולא עירב – שתיהן אסורות. מן החיצונה ולא עירב – שתיהן אסורות, דברי רבי עקיבא. וחכמים אומרים: בזה פנימית מותרת וחיצונה אסורה.

That was also taught in a *baraita*: If they placed their *eiruv* in the outer courtyard,<sup>H</sup> and one person forgot to contribute to the *eiruv*, whether he is a resident of the outer courtyard or of the inner one, they are both prohibited. If they put their *eiruv* in the inner courtyard, and one resident of the inner courtyard forgot to contribute to the *eiruv*, they are both prohibited. Similarly, if one of the residents of the outer courtyard did not contribute to the *eiruv*, they are both prohibited. This is the statement of Rabbi Akiva. And the Rabbis disagree and say: In this case, where the *eiruv* was deposited in the inner courtyard and the person who forgot to contribute to the *eiruv* was a resident of the outer one, the inner courtyard is permitted and the outer one is prohibited.

אמר ליה רבה בר חנן לאביי: מאי שנא לרבנן דאמרי פנימית מותרת – משום דאחדא דשא ומשתמשא. לרבי עקיבא נמי: תיחד דשא ותשמשא! אמר ליה: עירוב מרגילה.

Rabba bar Hanan said to Abaye: What is different according to the Rabbis, who say that the inner courtyard is permitted? It is because the residents of the inner courtyard can shut the door of their courtyard to the members of the outer one and use the inner courtyard on their own. But if so, according to Rabbi Akiva as well, let the residents of the inner courtyard shut the door of their courtyard to the members of the outer one and use their courtyard on their own. Abaye said to him: If the *eiruv* of the outer courtyard was not placed in the inner courtyard, your argument would be valid. But the fact that the *eiruv* is deposited in the inner courtyard accustoms the residents of the outer courtyard to enter it.

לרבנן נמי עירוב מרגילה! דאמרה: לתקוני שיתפתיד ולא לעותי.

The Gemara asks: If so, according to the Rabbis as well we should say that the placement of the *eiruv* in the inner courtyard accustoms the residents of the outer courtyard to enter it. The Gemara answers: The reasoning of the Rabbis is that the members of the inner courtyard can say to the members of the outer one: We joined with you in a single *eiruv* to our benefit, and not to our detriment.<sup>N</sup> Since one of your residents forgot to contribute to the *eiruv*, we no longer acquiesce to this partnership.

לרבי עקיבא נמי, תימא: לתקוני שיתפתיד ולא לעותי! דאמרה לה: מבטלינן לך רשותי. ורבנן – אין ביטול רשות מחצר לחצר.

The Gemara asks: According to Rabbi Akiva as well, let the residents of the inner courtyard say to the residents of the outer courtyard: We joined with you to our benefit and not to our detriment. The Gemara answers that according to Rabbi Akiva, the case is that the residents of the outer courtyard said to the residents of the inner courtyard: We renounce our rights in your favor, in which case the inhabitants of the inner courtyard are permitted to carry in their own courtyard. Consequently, his ruling that the inner courtyard is also prohibited applies only before the residents of the outer courtyard renounce their rights. And the Rabbis hold that there is no renunciation of rights from courtyard to courtyard.

If there were three people living in the two courtyards, they are prohibited – **היו שלשה אסורין** – Rabbeinu Hananel, the Rif, and others explain this discussion differently. According to their understanding, the statement: If there were three they are prohibited, refers to three courtyards, one within the other, with a single person living in each. The meaning of this statement is that despite the mishna's principle that individuals do not render carrying prohibited, in such a case they do, because the members of the inner courtyards must pass through the outer one. This causes the outer courtyard to be treated as a courtyard inhabited by many people, where it is prohibited to carry without an *eiruv*. According to this explanation, Shmuel disagrees completely with Rav Adda bar Ahava, who prohibits carrying only in a case where two people live in the same courtyard.

## HALAKHA

**Two in the inner courtyard – שְׁתֵּי הָרֵי בְּפִנְיֵמִית** – If two individuals reside in two separate courtyards, one within the other, they are permitted to carry without an *eiruv*. However, if there are two people living in the inner courtyard, an *eiruv* is required. This ruling is in accordance with the opinion of Shmuel, whose opinion is accepted over the opinion of Rav Adda bar Ahava (Shulḥan Arukh, *Orah Hayyim* 378:5).

**A gentile is considered like many – גוי הרי הוא כרבים** – If a Jew and a gentile live in an inner courtyard and a Jew lives in the outer one, the residents of the inner courtyard render it prohibited for the Jew living in the outer courtyard to carry. The same applies even if the gentile lives alone in the inner courtyard while the two Jews occupy the outer courtyard (Rashi; *Tosafot*). The Rambam prohibits carrying in the latter case even if there is only one Jew residing in the outer courtyard (Shulḥan Arukh, *Orah Hayyim* 382:17).

לימא שמואל ורבי יוחנן בפלוגתא דרבנן ורבי עקיבא קא מפלגי. דשמואל אמר ברבנן, ורבי יוחנן דאמר ברבי עקיבא?

The Gemara asks: **Let us say that Shmuel and Rabbi Yoḥanan, who disagree about whether there is renunciation of rights from one courtyard to another, disagree about the same point that was the subject of a disagreement between the Rabbis and Rabbi Akiva. As Shmuel said that there is no renunciation of rights from one courtyard to another, in accordance with the opinion of the Rabbis, and Rabbi Yoḥanan said that such renunciation is valid, in accordance with the opinion of Rabbi Akiva.**

אמר לך שמואל: אָנָּא דאָמרי אפילו לרבני עקיבא; עד כאן לא קאמר רבי עקיבא הכא – אלא בשתי חצירות זו לפנים מזו, דאסרן אהדידי. אבל התם – מי קא אסרן אהדידי?

The Gemara responds: **Shmuel could have said to you: What I said is even in accordance with the opinion of Rabbi Akiva. Rabbi Akiva stated his opinion that there is renunciation of rights from one courtyard to another only here, with regard to two courtyards, one within the other, which render each other prohibited. However, there, where they disagree about two adjacent courtyards, do the courtyards render each other prohibited? Consequently, even Rabbi Akiva would agree that there is no renunciation of rights from one courtyard to another.**

ורבי יוחנן אמר: אָנָּא דאָמרי אפילו לרבנן; עד כאן לא קאמר רבנן הכא – אלא דאמרה לה: אדמבטלת לי – קא אסרת עלי. אבל התם – מי קא אסרת עליה?

**And Rabbi Yoḥanan could have said: What I said is even in accordance with the opinion of the Rabbis. The Rabbis stated their opinion that there is no renunciation of rights from one courtyard to another only in the case here, as the residents of the inner courtyard said to the residents of the outer courtyard: Until you renounce your rights in our favor, you render it prohibited for us to carry, and therefore, we will have no connection with you and forgo both the renunciation and the prohibition. But there, does one courtyard prohibit the other? Since it does not, even the Rabbis would agree that there is renunciation from one courtyard to another.**

”ואם היו של יחידים וכו'. אמר רב יוסף, תני רבי: היו שלשה – אסורין.”

We learned in the mishna: **And if the courtyards belonged to individuals, i.e., if only one person lived in each courtyard, they are not required to establish an *eiruv*. Rav Yosef said: Rabbi Yehuda HaNasi teaches that if there were three people living in the two courtyards, whether two people lived in the outer courtyard and one person in the inner one, or two people lived in the inner courtyard and one person lived in the outer one, they are prohibited<sup>N</sup> from carrying without an *eiruv*.**

אמר להו רב ביבי: לא תציתו ליה, אָנָּא אָמריִתָּה ניהלָה, ומשמייה דרב אָדא בר אבהו אָמריִתָּה ניהלָה: הואיל ואני קורא בהן רבים בחיצונה. אמר רב יוסף: מריה דאברהם! רבים ברבי איחלה לי.

**Rav Beivai said to the Sages: Do not listen to him, as he is mistaken. I told it to him, and I told it to him in the name of Rav Adda bar Ahava, not Rabbi Yehuda HaNasi, but due to his illness Rav Yosef forgot this detail. And the reason that the residents of both courtyards are prohibited from carrying if two people are living in the outer courtyard is that since I call them many in the outer courtyard, the Sages issued a decree prohibiting carrying, due to a case in which there are two people living in the inner courtyard. When he heard this, Rav Yosef said in astonishment: Master of Abraham! I mistook the word Rabbi for the word many [rabbim]. He now realized that he had mistakenly understood this ruling as attributed to Rabbi Yehuda HaNasi rather than a halakha regarding many, an error that led to his inaccurate version of the teaching.**

ושמואל אמר: לעולם מותרות, עד שיהו שנים בפנימית ואחד בחיצונה.

**And Shmuel said: Actually, they are permitted, unless there are two people living in the inner courtyard<sup>H</sup> and one in the outer one.**

אמר רבי אלעזר: וגוי הרי הוא כרבים. מאי שנא ישראל דלא אסר – דמאן דידע – ידע, ומאן דלא ידע – סבר: עירובי עירב. גוי נמי, אָמריִנן: דידע – ידע, דלא ידע – סבר: אָגרי אוגר!

**Rabbi Elazar said: And a gentile is considered like many,<sup>H</sup> i.e., if a gentile lives in the inner courtyard, the gentile's right of way in the outer courtyard renders it prohibited to carry there. The Gemara asks: What is different about an individual Jew living in the inner courtyard, that he does not prohibit the resident of the outer courtyard? Because one who knows that only one person lives there knows this fact, and one who does not know this thinks that an *eiruv* has been established. If so, in the case of a gentile also, we should say that one who knows that only one person lives there knows, and one who does not know this thinks that the Jew must have rented the domain from the gentile.**

NOTES

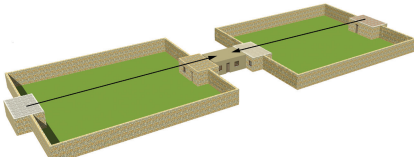
Gatehouse – בית שער: The term gatehouse in this context is not used in the same way it is used in other contexts. In general, a gatehouse is a structure made for the watchman who guards the gate, and it is not considered a place of a residence in its own right (see Tosafot). The Gemara here indicates that even a place that serves as a passageway only on Shabbat is considered a gatehouse with regard to the halakhot of an eiruv. An example is a house between two courtyards through which people pass in order to place an eiruv (Meiri).

HALAKHA

The outer house of the innermost one – חיצון של פנימי: If there are several houses, one within the other, only the two inner ones are required to establish an eiruv, because the others are considered gatehouses. This ruling is in accordance with the opinion of Rabbi Yohanan, as the halakha follows his view rather than the opinion of Shmuel (Shulhan Arukh, Orach Hayyim 370:7).

BACKGROUND

Two courtyards that have three houses between them – שתי חצירות ושלושה בתים ביניהן:



Residents of each courtyard place their eiruv in the middle house, as indicated by the arrows. Each of the houses that is adjacent to both the middle house and the courtyard is considered to be a gatehouse.

קָתַם גוֹי אִי אֵיתָא – דְּאוּגְרַ מִפְּעָא פְּעִי.

The Gemara answers: This is not so, as a typical gentile, if he had rented out his domain, he would chatter about it, and everyone would know. If he has not talked about it, everyone will assume that he did not rent out his domain.

אָמַר רַב יְהוּדָה, אָמַר שְׁמוּאֵל עֲשֶׂה בְּתֵימָן זֶה לְפָנִים מִזֶּה – פְּנִימִי נוֹתֵן אֶת עֵירוּבוֹ, וְדִי.

Rav Yehuda said that Shmuel said: If there are ten houses, one within the other, so that the person living in the innermost house must pass through all the rest in order to reach the courtyard, the innermost one alone contributes to the eiruv for the courtyard, and it is enough. The residents of the other houses are considered as living in the gatehouse and corridor of the innermost one, and therefore they do not have to contribute to the eiruv.

וְרַבִּי יוֹחָנָן אָמַר: אֲפִילוּ חֵיצוֹן. חֵיצוֹן. בֵּית שַׁעַר הוּא! חֵיצוֹן שֶׁל פְּנִימִי.

And Rabbi Yohanan said: Even the outer one must contribute to the eiruv. The Gemara asks: The outer residence is a gatehouse<sup>N</sup> in relation to the inner ones, so why should it have to contribute to the eiruv? The Gemara answers that Rabbi Yohanan was referring to the outer house of the innermost one.<sup>H</sup> In other words, even the second-to-last house, the outer one only in relation to the innermost house, must contribute to the eiruv, as it is not viewed as a gatehouse.

בְּמַאי קָמִיפְלִיגִי? מֵרַסְרָב: בֵּית שַׁעַר דִּיחִיד שְׁמִיָּה בֵּית שַׁעַר, וּמֵרַסְרָב: לֹא שְׁמִיָּה בֵּית שַׁעַר.

The Gemara explains: With regard to what principle do they disagree? One Sage, Shmuel, holds that the gatehouse of an individual is considered a gatehouse, and therefore the ninth house, i.e., the second innermost is also a gatehouse, as it serves as a passageway for the individual living in the innermost house, and one Sage, Rabbi Yohanan, holds that the gatehouse of an individual is not considered a gatehouse, and therefore the ninth house must also contribute to the eiruv.

אָמַר רַב נַחֲמָן, אָמַר רַבָּה בַּר אֲבָהוּ, אָמַר רַב: שְׁתֵּי חֲצִירוֹת וְשְׁלֹשָׁה בְּתֵימָן בֵּינֵיהֶן, זֶה בָּא דֶרֶךְ זֶה וְנֹתֵן עֵירוּבוֹ בְּזֶה, וְזֶה בָּא דֶרֶךְ זֶה וְנֹתֵן עֵירוּבוֹ בְּזֶה – בְּזֶה.

Rav Nahman said that Rabba bar Avuh said that Rav said: With regard to two courtyards that have three houses between them,<sup>B</sup> and a resident of this courtyard comes through this house that opens to his courtyard and places his eiruv in that middle house, and a resident of this other courtyard comes through this house that opens to his courtyard and places his eiruv in that middle house,

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HALAKHA

Need not contribute bread for the eiruv – ואין צריך ליתן את: If two courtyards were separated by three houses that opened into one another, the residents of one courtyard may pass through the house nearest to it and place their eiruv in the middle house, and the residents of the other courtyard may do the same. None of the three houses has to contribute to the eiruv, as the outer houses are considered gatehouses while the middle house is the one in which the eiruv is placed (Shulhan Arukh, Orach Hayyim 379:1).

Two courtyards and two houses – שתי חצרות ושני בתים: If two courtyards are separated by two houses and the residents of each courtyard placed their eiruv in the house closest to the other courtyard, the eiruv are not valid, as each has placed its eiruv in the other courtyard's gatehouse (Shulhan Arukh, Orach Hayyim 379:2).

זֶה נַעֲשֶׂה בֵּית שַׁעַר לְזֶה, וְזֶה נַעֲשֶׂה בֵּית שַׁעַר לְזֶה. אֲמַצְעֵי הוּא לִיָּה בֵּית שְׁמִינִי בּוֹ עֵירוּב, וְאִין צְרִיךְ לִיתֵן אֶת הַפֶּתַח.

this outer house becomes a gatehouse to this courtyard, and that outer house becomes a gatehouse to that courtyard, and therefore the residents of the outer houses need not contribute to the eiruv. The middle house between them is the house in which the eiruv is placed, and therefore its residents need not contribute bread for the eiruv.<sup>H</sup>

בְּדִיק לְהוֹרַחְבָּה לְרַבְנָן: שְׁתֵּי חֲצִירוֹת וּשְׁנֵי בְּתֵימָן בֵּינֵיהֶם, זֶה בָּא דֶרֶךְ זֶה וְנֹתֵן עֵירוּבוֹ בְּזֶה, וְזֶה בָּא דֶרֶךְ זֶה וְנֹתֵן עֵירוּבוֹ בְּזֶה, קִנּוּ עֵירוּב, אוֹ לֹא? מִי מְשׁוּיָת לְהוֹ לְגַבֵּי דְהָאֵי בֵּית וּלְגַבֵּי דְהָאֵי בֵּית שַׁעַר [וּלְגַבֵּי דְהָאֵי בֵּית שַׁעַר וּלְגַבֵּי דְהָאֵי בֵּית].

The Sage Ravhava tested the other Sages: If there were two courtyards and two houses<sup>H</sup> between them, and a resident of this courtyard came through this house that opens to his courtyard and placed his eiruv in that house farther from his courtyard, and a resident of this other courtyard came through this house that opens to his courtyard and placed his eiruv in that house that opens to the other courtyard, did they acquire the eiruv or not, i.e., are the two eiruv valid? Do you render it a house with regard to this courtyard, whose eiruv was placed there, and a gatehouse with regard to that one who passed through it in order to place his eiruv in the other house? And similarly, do you render the other house a gatehouse with regard to this one and a house with regard to that one?