A house that one filled – Ṭevah. If one filled a house with straw and hay that he subsequently nullified, it is as though the house were nonexistent. Therefore, the ritual impurity imparted by a corpse found inside is not contained by the house, rather, it extends in all directions (Rambam Sefer Tahara, Hilkhos Tumat Met 7:6).

**GEMARA**

The Gemara wonders: Does hay not constitute a proper filling to seal the ditch?

Didn’t we learn in the following mishna: With regard to a haystack ten handbreadths high that stands between two courtyards, the residents of the two courtyards establish two eiruv, but they may not establish one eiruv. This indicates that hay can create a valid partition.

Abaye said that the matter should be understood as follows: With regard to a partition, everyone agrees that hay is a partition and that it divides between the courtyards as long as it is placed there. But with regard to filling the ditch so that it is considered sealed, one must distinguish between two cases: If one explicitly nullified the hay and decided to leave it there, it fills and seals the ditch; however, if he did not nullify it but intends to remove the hay from the ditch, it does not fill it, and the ditch is not considered sealed.

It is written in the mishna: If the ditch is filled with dirt or pebbles, it is considered sealed. The Gemara asks: Does this apply even if one did not specify his intention to leave it there? Didn’t we learn in a mishna with regard to the ritual impurity of a corpse: If there is a house that one filled with hay or pebbles, and he nullified the hay or pebbles and decided to leave them in the house, then the house (Rambam) is nullified and is no longer considered a house with partitions? Generally, a house containing a corpse is ritually impure on the inside but does not impart impurity to the surrounding area. However, in this case, the house is considered an enclosed grave that imparts ritual impurity to its surroundings.

And one can infer from the mishna: If he nullified the hay or pebbles, yes, the house is nullified and considered sealed.

However, if he did not nullify it, no, the house retains the status of a house, although it is filled with hay. Rav Huna said: Who is the tanna who taught tractate Oholot? It is Rabbi Yosei, and the tanna of the mishna does not accept his opinion.

The Gemara asks: If that mishna is in accordance with the opinion of Rabbi Yosei, there is a difficulty, since we heard him say the opposite, as it was taught in the Tosefta that Rabbi Yosei says: In a case where there is a house full of hay and the owner does not intend to remove it, it is considered as though it were filled with indeterminate dirt, and it is therefore nullified. However, if the house was full of dirt that he intends to remove, it is considered as though it were filled with indeterminate hay, and it is therefore not nullified. Apparently, the decisive factor for Rabbi Yosei is not the specific material in the house, but whether or not the owner intends to remove it.

Rather, Rav Asi said: Who is the tanna who taught tractate Eiruv? It is Rabbi Yosei, who does not accept the opinion of the tanna of tractate Oholot.

Rav Huna, son of Rav Yehoshua, said: Are you raising a contradiction between the halakhot of ritual impurity and the halakhot of Shabbat? These two areas of halakha cannot be compared. Leave aside the prohibition of Shabbat. With regard to Shabbat, a person nullifies even a pouch full of money. The pouch may not be moved on Shabbat and is therefore considered fixed in place. However, hay, which may be moved even on Shabbat, is not considered to be fixed in the ditch. With regard to ritual impurity, by contrast, the nullification must be permanent.
HALAKHA

A plank placed along its length – מִכָּאן. With regard to a person who places a plank along the length of the ditch, even a plank of minimal width, if the width of the ditch is thereby reduced to less than four handbreadths, the plank is considered an entrance. If the plank is longer than ten cubits, it has the status of a breach in a wall, and therefore the inhabitants on both sides of the ditch may establish only one eiruv (Rambam Sefer Zemanim, Hilkhot Eiruv 3:14; Shulhan Arukh, Orah Hayyim 372:17).

Balconies opposite each other – בִּשְׁלָמָא. With regard to a case of two balconies that face each other, or a case of one balcony positioned above the other on the same wall, if the balconies are separated by a gap of more than three handbreadths in height, they cannot be joined by means of a plank. If the difference in height is less than three handbreadths, it is considered a single crooked balcony and is permitted, as stated by Rava (Shulhan Arukh, Orah Hayyim 371:3).

A haystack that is between two courtyards – הצטער ואמר. If a haystack between two courtyards is ten handbreadths high, the residents establish two eiruvim. If the haystack was reduced on Shabbat itself, the residents of both courtyards establish only one eiruv. The Rosh maintains that the same halakha is in effect if the haystack was reduced to less than ten handbreadths in height before Shabbat; the residents of both courtyards establish one eiruv. The Rosh explains that the Gemara does not cite a proof or an objection from the mishna with regard to the statement of Rav Huna, as the tanna does not deal with the issue of feeding an animal on Shabbat all. However, in the Jerusalem Talmud an explanation is stated that is completely at odds with the above interpretation: It is indeed permitted to feed an animal on Shabbat, and contrary to the opinion of Rav Huna, one is even permitted to place hay into a basket and give it to his animal, as can be inferred from the phrase: They may feed.

MISHNA

With regard to a haystack that is positioned between two courtyards and is ten handbreadths high, it has the status of a partition, and therefore the residents of the courtyards may establish two eiruvim, and they may not establish one eiruv. These, the inhabitants of one courtyard, may feed their animals from here, from one side of the haystack, and those, the inhabitants of the other courtyard, may feed their animals from there, from the other side of the haystack. There is no concern that the haystack might become too small to serve as a partition. If the height of the hay was reduced to less than ten handbreadths across its entire length, its legal status is no longer that of a partition. Consequently, the residents of both courtyards establish one eiruv, and they do not establish two eiruvim.

NOTES

These may feed from here – רבח ההא ידכ. The Rosh explains that this statement of the mishna is referring only to a weekday. The mishna is teaching that even though the hay is required for a partition on Shabbat, the residents need not be concerned about this eventuality on a weekday. Rather, they may feed their animals from the haystack. This interpretation explains why the Gemara does not cite a proof or an objection from the mishna with regard to the statement of Rav Huna, as the tanna does not deal with the issue of feeding an animal on Shabbat all. However, in the Jerusalem Talmud an explanation is stated that is completely at odds with the above interpretation: It is indeed permitted to feed an animal on Shabbat, and contrary to the opinion of Rav Huna, one is even permitted to place hay into a basket and give it to his animal, as can be inferred from the phrase: They may feed.
One does not put hay into his basket—whether by hand or by using a basket. Rashi offers two reasons why it is prohibited to remove hay manually from the partition. Some commentaries explain that the rationale for this prohibition is that one would have the height of the partition reduced to less than ten handbreadths, which would constitute a breach between the courtyards and invalidate both eiruvim.

The Gemara asks: And if the actual handling of the hay is prohibited, is it permitted to stand one’s animal next to the haystack and let it eat? Didn’t Rav Huna say that Rabbi Hanina said: A person may stand his animal on a patch of grass on Shabbat, as he will certainly be careful not to pull out grass for the animal, due to the severity of the Torah prohibition involved. However, a person may not stand his animal on set-aside items on Shabbat. As the prohibition of set-aside is rabbinic in origin, he might forget and move the set-aside objects himself. The same reasoning should apply in the case of the haystack. If it is prohibited by rabbinic decree to remove hay from the stack manually, it should likewise be prohibited to position one’s animal alongside the stack.

The Gemara asks a question with regard to Rav Huna’s statement itself. And may one not put hay into his basket and feed his animal? Wasn’t it taught in a baraita: In the case of a house that is positioned between two courtyards and the residents filled it with hay, they establish two eiruvim, but they do not establish one eiruv, as the hay is considered a partition that divides the house. The resident of this courtyard puts hay into his basket and feeds his animal, and the resident of that courtyard puts hay into his basket and feeds his animal. If the hay was reduced to a height less than ten handbreadths, it is prohibited for residents of both to carry in their respective courtyards.

How, then, does the resident of one of the courtyards act if he seeks to permit use of the other courtyard to its resident? He locks his house and renounces his right to carry in the courtyard in favor of the other person. Consequently, it is prohibited for him to carry from his house into the courtyard, and it is permitted for the other resident to do so.

And you say likewise with regard to a pit [gov] of hay that is positioned between two Shabbat limits. The residents of each area may feed their animals from the common hay, as there is no concern lest the animals go beyond the limit. In any case, the baraita teaches: The resident of this courtyard puts hay into his basket and feeds his animal, and the resident of that courtyard puts hay into his basket and feeds his animal. This halakha poses a difficulty to Rav Huna’s opinion.

The Gemara answers: We can say that in the case of a house, since it has walls and a ceiling, when the height of the haystack is reduced the matter is conspicuous. The height disparity between the haystack and the ceiling is obvious. Consequently, when the haystack is reduced to less than ten handbreadths, people will stop carrying in the courtyard. Here, however, with regard to the hay in the pit, the difference in height is not conspicuous. The height of the hay in the pit could become diminished to the extent that the partition is nullified without anyone noticing.
It is stated in the baraita: If the height of the hay was reduced to less than ten handbreadths it is prohibited to carry in both courtyards. The Gemara infers from the phrasing of the baraita: If the hay was at least ten handbreadths high, it is permitted to carry there, even though the ceiling is much higher than the hay. Conclude from it that the legal status of ten-handbreadth partitions that do not reach the ceiling is that of standard partitions, which was the subject of a dispute elsewhere. Apparently, this baraita proves that they have the status of partitions in all respects.

Abaye said: Here, we are dealing with the case of a house that is slightly less than thirteen handbreadths high and the hay is ten handbreadths high. The haystack is less than three handbreadths from the ceiling, and based on the principle of lavud, they are considered joined as though the partitions reach the ceiling.

And Rav Huna, son of Rav Yehoshua, said: Even if you say that the baraita is dealing with a house ten handbreadths high,
The concern is not that people might transfer objects from one Shabbat limit to another, for even according to Rabbi Akiva the Torah prohibits only walking beyond the boundary, not transferring of objects without leaving one’s boundary. Instead, the worry is that they might forget, exchange objects, and end up walking beyond their Shabbat limit.

He places a barrel – איבא דאאמר עליי שמה: There is no obligation to use a barrel specifically. The mishna uses the example of a barrel simply because people would typically establish a merging of alleyways with wine, which is kept in a barrel.

Confering possession – ממי זוｃים: This conferal of possession must be achieved by parties legally capable of performing acquisitions in general. One method of acquisition is the lifting of the object to be acquired by the one acquiring it or receiving it as a gift. The acquisition must be performed by means of another person because one cannot transfer rights to others by mere speech. In addition, any act of acquisition, including the donation of a gift, requires two sides, representing the original owner and the new owner. In this case, too, someone who is not the giver must acquire the gift on behalf of the receivers.

Raise it a handbreadth – מַיִיחַ אֶת רֶחָבִית: Most commentators understand this lifting of the object as a form of acquisition. However, some gemōnim explain that the barrel used for the merging the alleyway must remain a handbreadth higher than the other barrels, as a sign that it is the barrel of the merging (Rambam Sefer Zemanim, Hilkhot Eruvin 117; see Rabbeinu Yehonatan).

**HALAKHA**

By means of whom may one confer possession – מי Ridley סומס: One may transfer possession of an eirūn to others by means of his wife, or his adult children, or by means of his Jewish servant or maidservant, even if they are minors and even if they eat from his table. As they can acquire possessions for themselves, they may do so on behalf of others as well. However, one may not transfer possession by means of his minor children, who have no right of acquisition, nor by means of a Canaanite slave, who has no right of acquisition either, as his hand is considered like his master’s hand with regard to acquisition (Rif, Rambam Sefer Zemanim, Hilkhot Eruvin 1:20; Ran).

Some authorities maintain that one may not transfer possession by means of his adult children if they eat at his table, i.e., if he supports them financially, or by means of his wife if he supports her; or by means of his daughter who has not reached maturity, as the Sages decreed that all his earnings belong to their father or husband. The reason is that these people have no right of acquisition themselves (Rav Shimon of Saens, who rules in accordance with Rabbi Yehuda in monetary matters). However, he may transfer possession by means of his minor children who are not supported by him. One should be stringent in accordance with both opinions ab initio (Tur). Nevertheless, after the fact, the lenient opinion with regard to an eirūn is accepted (Rema; Shulhan Arukh, Orach Hayyim 366:6).

How the possession of an eirūn is conferred to others – פרק ב: One may place a barrel of wine for a merging of alleyways or bread for a joining of courtyards, lift it a handbreadth, and thereby transfer its possession to the residents of the courtyard or alleyway and all those who live with them. There is no need to inform them beforehand that one is transferring possession on their behalf (Rema; Shulhan Arukh, Orach Hayyim 366:6).

The obligation of kiddush – פרק ג: One who recitēs kiddush over wine and drinks a mouthful, i.e., most of a quarter of a log, has fulfilled his obligation with regard to kiddush (Shulhan Arukh, Orach Hayyim 271:13).

And if you wish, say a different explanation instead. Actually, both actions are required in this case, even though one of them would ordinarily suffice. The reason is: Since he is accustomed to using the courtyard, he will come to carry. Consequently, the Sages were stringent with a person in this position and obligated him to implement an additional change so that he will not forget and come to carry when it is prohibited.

It was taught in the baraita: If one locks his house and renounces his rights to the courtyard, it is prohibited for him to carry, and it is permitted for the other person to carry. The Gemara raises a difficulty: Isn’t this obvious? Why was it necessary to state this halakha? The Gemara answers: It was necessary only in a case where the other person then renounced his right in favor of the first person. And the baraita teaches us that one may not renounce his rights in favor of the other, and then have the latter renounce his own rights in favor of the former.

It was further taught in the baraita: And you can say likewise with regard to a pit of hay that is situated between two Shabbat limits. The inhabitants of each area may feed their animals from the common hay. The Gemara raises a difficulty: Isn’t this obvious? The same principle that is in effect with regard to a haystack between courtyards should apply here as well. The Gemara answers: It was necessary to state this halakha only according to the opinion of Rabbi Akiva, who said that the principle of Shabbat boundaries is by Torah law. Lest you say that let us issue a decree and prohibit it, lest people come to exchange objects from one boundary to another, which would violate a Torah prohibition; therefore, the baraita teaches us that no distinction is made between the cases, and no decree of this kind is issued.

**MISHNA**

How does one merge the courtyards that open into the alleyway, if a person wishes to act on behalf of all the residents of the alleyway? He places a barrel filled with his own food and says: This is for all the residents of the alleyway. For this gift to be acquired by the others, someone must accept it on their behalf, and the tanam therefore teaches that he may confer possession to them even by means of his adult son or daughter, and likewise by means of his Hebrew slave or maidservant, whom he does not own, and by means of his wife. These people may acquire the eirūn on behalf of all the residents of the alleyway.

However, he may not confer possession by means of his minor son or daughter, nor by means of his Canaanite slave or maidservant, because they cannot effect acquisition, as ownership of objects that come into their possession is as if those objects came into his possession. Consequently, the master or father cannot confer possession to the slave or minor respectively on behalf of others as their acquisition is ineffective and the object remains in his own possession.

**GEMARA**

Rav Yehuda said: With regard to a barrel of wine for the merging of alleyways, the one acquiring it on behalf of the alleyway’s residents must raise it a handbreadth from the ground, as he must perform a valid act of acquisition on their behalf.

Rava said: The elders of Pumbedita, Rav Yehuda and his students, stated these two matters. One was this mentioned above with regard to lifting the barrel; and the other was: With regard to one who recites kiddush over wine on Shabbat or a Festival, if he tasted a mouthful of wine, he fulfilled his obligation; however, if he did not taste a mouthful, he did not fulfill his obligation.

Rav Šaviva said: In addition to the aforementioned pair of teachings, the elders of Pumbedita stated this too, as Rav Yehuda said that Shmuel said: One builds a fire for a woman in childbirth on Shabbat.
The Gemara comments that the Sages thought to infer from here: For a woman in childbirth, yes, one builds a fire, due to her highly precarious state; for a sick person, no, one does not build a fire. Likewise, in the rainy season, when the danger of catching cold is ever present, yes, one builds a fire; in the summer, no, one may not.

The Gemara adds that which was stated: Rav Hiyya bar Arin said that Shmuel said: With regard to one who let blood and caught cold, one builds a fire for him on Shabbat, even during the season of Tammuz, i.e., the summer. Clearly, Rav Yehuda’s ruling is limited neither to a woman in childbirth nor to the rainy season.

Ameimar said: This too was stated by the elders of Pumbedita, as it was stated that the amora’im disagreed with regard to which tree is presumed to be a tree designated for idolatry [asheira], even though no one actually saw it worshipped.

The Gemara returns to Rav Yehuda’s ruling that the barrel used for the merging the alleyway must be raised a handbreadth from the ground. The Gemara raises an objection from a baraita: How does one merge an alleyway? One brings a barrel of wine, or oil, or dates, or dried figs, or any other type of produce for merging the alleyway.

If one contributed a barrel of his own, he must confer possession to all the other residents by means of another person who acquires it on their behalf. And if the barrel is theirs, he must at least inform them that he is merging the alleyway. And the one acquiring it on behalf of the others raises the barrel a minimal amount from the ground. Apparently, the barrel need not be raised a handbreadth. The Gemara answers: Here too, what is this minimal amount of which the tanna of the baraita spoke? This expression means a handbreadth, but no less.

It is stated that the amora’im disagreed with regard to the acquisition of a merging of alleyways. Rav said: It is not necessary to confer possession of the food used in merging the alleyway to all the residents of the alleyway; and Shmuel said: It is necessary to confer possession to them. They likewise disagreed with regard to a joining of Shabbat boundaries, but the opinions are reversed. Rav said: It is necessary to confer possession of the food to all those who wish to be included in the eiruvin, and Shmuel said: It is not necessary to confer possession to them.

The Gemara raises a difficulty: Granted, according to the opinion of Shmuel, his reasoning is clear, as here, with regard to a merging of the alleyways, we learned in the mishna that he must confer possession, whereas there, with regard to a joining of Shabbat boundaries, we did not learn that this is the halakha. However, according to Rav, what is the reason that he differentiates between the cases in this manner?

Asheira – האשירא The asheira that is mentioned in the Torah several times was worshipped as an idol. This is the “asheira of Moses,” i.e., the tree that appears in the Torah. However, little is known about a plain asheira. Is it a tree dedicated by idolatrous priests, or an idol?

The temple of Nitzreﬁ – בֶּרֶךְ הָעַלָּא The source of this word is unclear. Apparently, it is a deliberate corruption of berakha, the place of burning [seifer], where the Persian fire-worship was conducted. This would be in accordance with the requirement of halakha that the names of idolatry must be corrupted and mispronounced.

Asheira – האשירא The category of asheira includes a tree used by priests in the preparation of a drink for their idolatrous festival. This halakha also extends to a tree under which they sit without deriving benefit from its fruit (Shakah), in accordance with Shmuel’s stringent opinion (Shuṭhan Arukh, Yeḥei De’a 142:2).

The obligation of eiruv is accepted in all those who live with them. There is no need to inform them before the eiruv is accepted (see Rabbeinu Yehonatan). However, he may transfer possession by means of his daughter who has not reached maturity, as the Sages declared: If he gives possession to his daughter who has not reached maturity, she is considered like his master’s hand with regard to acquisition (Rif).

The lifting of the object to be exchanged objects, and end up walking beyond their Shabbat limit. General. One method of acquisition is to confer possession – at the expense of the owner – of a Canaanite slave, who has no right of acquisition either, as his hand is considered like his master’s hand with regard to acquisition (Rif; Rema; Shulḥan Arukh: Oraḥ Ĥayyim, 271:13).

Some authorities maintain that one may not transfer possession to others by means of his wife, or by means of his grinding mill, which is not worshipped, is nonetheless considered an asheira, as the fact that it was worshipped as an idol.

The category of asheira includes a tree dedicated by idolatrous priests, or an idol.

The tree that ap – נְצוּרָא רָאִים is theirs, he must inform them that he is merging the alleyway. And the one acquiring it on behalf of the others raises the barrel a minimal amount from the ground. Apparently, the barrel need not be raised a handbreadth. The Gemara answers: Here too, what is this minimal amount of which the tanna of the baraita spoke? This expression means a handbreadth, but no less.