

גמ' תמינא תדא זימנא: "בכל מערבין ומשתתפין חוץ מן המים והמלח!"

GEMARA With regard to the mishna's ruling concerning the foods which may or may not be used for an *eiruv* and to merge alleyways, the Gemara poses a question: This ruling is apparently superfluous, as we have already learned it once before in another mishna: **One may establish an *eiruv* and a merging of alleyways with all kinds of food, except for water and salt.**

אמר רבה: לאפוקי מדרבי יהושע, דאמר: כבר אין, מידי אחרינא לא – קמשמע לן "בכל".

Rabba said: This addition comes to exclude the opinion of **Rabbi Yehoshua** in the mishna, who said that a loaf, yes, it may be used for an *eiruv*; but anything else, no, other foods may not be used. Therefore, the mishna teaches us that an *eiruv* may be established with all kinds of food, not only bread.

איתיביה אביי: בכל מערבין עירובי חצירות ובכל משתתפין שיתופי מבואות, ולא אמרו לערב בפת אלא בחצר בלבד. מאן שמעת ליה דאמר: פת אין מידי אחרינא לא – רבי יהושע, וקתני: בכל!

Abaye raised an objection from a baraita: One may establish a joining of courtyards with all kinds of food, and likewise one may establish a merging of alleyways with all kinds of food. They said that one must establish an *eiruv* with bread only with regard to an *eiruv* of a courtyard. Who did you hear that said that bread, yes, it may be used for an *eiruv*, but anything else, no, it may not be used? It was **Rabbi Yehoshua**, and yet the *baraita* teaches: With all kinds of food. This proves that the phrase: One may establish an *eiruv* with all kinds of food, does not necessarily exclude **Rabbi Yehoshua's** opinion.

אלא אמר רבה בר בר חנה: לאפוקי מדרבי יהושע, דאמר: שלימה אין, פרוסה לא – קמשמע לן "בכל".

Rather, **Rabba bar bar Hana** said: It comes to exclude a different aspect of the opinion of **Rabbi Yehoshua**, as **Rabbi Yehoshua** said: A whole loaf, yes, it is fit to be used as an *eiruv*, but a broken loaf, no, it is not suitable for this purpose. The mishna therefore teaches us that one may prepare an *eiruv* with all kinds of bread, even a broken loaf.

ופרוסה מאי טעמא לא? אמר רבי יוסי בן שאול, אמר רבי: משום איבה.

The Gemara analyzes **Rabbi Yehoshua's** position itself: And with regard to a broken loaf of bread, what is the reason that it may not be used for an *eiruv*? **Rabbi Yosei ben Shaul** said that **Rabbi Yehuda HaNasi** said: The reason is due to potential enmity between neighbors. To avoid a situation where one person says to the other: You contributed a mere slice of bread, while I donated an entire loaf, the Sages instituted that each person should provide a whole loaf.

אמר ליה רב אחא בריה דרבא לרב אשי: עירבו כולן בפרוסות, מהו? אמר ליה: שמא יחזור דבר לקולו.

Rav Aha, son of Rava, said to **Rav Ashi**: If they all established the *eiruv* with broken loaves of bread, what is the *halakha*? In this case there is no cause for enmity. **Rav Ashi** said to him: There is nonetheless a concern lest the problem recur, as one of them might give an entire loaf and proceed to complain about his neighbor who donated only a partial loaf.

אמר רבי יוחנן בן שאול: מטלה הימנה כדי חלתה וכדי דימועה – מערבין לו בה.

A portion of dough, known as *halla*, must be set aside and given to the priests. If *halla* was not set aside from the dough, it must be separated from the baked bread. Moreover, if one part *teruma* fell into a hundred parts non-sacred produce, a proportionate amount must be removed from the mixture and given to a priest, after which the remainder may be eaten. **Rabbi Yohanan ben Shaul** said: If one removed from the loaf as much as must be set aside for its *halla*, or as much as must be separated from a mixture^N of *teruma* and non-sacred produce, he may establish an *eiruv* with that loaf. The reason is that in this case people would not complain that he did not give a whole loaf, as they would assume the loaf had a small part missing because *halla* had been separated from it, or because *teruma* had fallen into the dough, which necessitated the separation of a certain portion. However, if more than this amount was missing, people would suspect him of eating from the *eiruv*.

והתניא: כדי דימועה – מערבין לו בה, כדי חלתה – אין מערבין לו בה!

The Gemara raises a difficulty: Wasn't it taught otherwise in a *baraita*: If a loaf was missing as much as must be removed from a mixture of *teruma* and non-sacred produce, one may establish an *eiruv* with it, but if it was missing as much as must be removed for its *halla*, one may not establish an *eiruv* with it?^N

NOTES

Mixture [dimua] – דימוע: This term means mixtures in general, but the Sages typically used it in reference to *teruma* that became intermingled with regular produce. If *teruma*, or anything that has the sanctity of *teruma*, such as *halla*, became mixed with regular produce, if the mixture does not contain more than one part *teruma* to one hundred parts non-sacred produce, one may separate one one-hundredth of the mixture, and the rest is permitted to be eaten by non-priests.

As much as must be removed for its *halla* and as much as must be removed from a mixture – כדי חלתה וכדי דימועה: Some commentaries explain that the missing portion was actually removed from the loaf as *halla* or as the portion removed from a mixture of *teruma* and non-sacred produce. However, if it were removed for any other reason, the loaf is not suitable for an *eiruv*. Most commentaries maintain that if the portion removed was the amount of *halla* or the amount removed from the mixture, even if the portion was used for a different purpose, the loaf is fit for an *eiruv*, as people do not know why it is missing (Rosh; see *Tosafot*).

A baker's dough and a homeowner's dough – עיסת In the Jerusalem Talmud a dispute is cited concerning the rationale for this distinction. One opinion stated there is that a homeowner is required to give more because the dough he prepares is smaller. Were he to separate one forty-eighth of his dough, the measure that a baker is obligated to separate, this would not constitute a proper gift, which is not the case with the baker's large batches of dough. Another opinion is that a homeowner is stingy with regard to the dough he sets aside. Therefore, the Sages ruled that he should give more, in hope that he would not give less (see Rambam and Rav Shimshon of Saens).

Its halla and its mixture of teruma and non-sacred produce – תפלה ודמימה: A difficulty remains: A baker's *halla* is one forty-eighth of the dough, while the mixture of *teruma* is one one-hundredth. If the amount of a baker's *halla* is permitted, all the more so the amount of the mixture of *teruma* should be permitted. The Ra'avad answers that the reference here is not to a mixture of *teruma* in its usual sense. Rather, it is referring to a case where one forgot to separate regular *teruma* from the produce, a mistake they intend to rectify. The average gift of regular *teruma* is one-fiftieth, which is very close to the measure of a baker's *halla*.

Connected with a chip – תפרה בקיסם: In other talmudic sources the Sages do not consider a connection of this kind as attached, because in those cases the attachment is required by *halakha*. In our context, a whole loaf is required only for the sake of appearances, and it is therefore permitted, as long as the seam is inconspicuous (Rav Ya'akov Emden).

HALAKHA

A baker's dough and a homeowner's dough – עיסת If a loaf is missing a piece the size of a portion that is generally removed as baker's *halla*, it may be still be used for an *eiruv*. This rule applies even if that amount had not been removed as *halla* (Rosh), since the neighbors will think that the missing part is *halla* and no enmity will result (*Magen Avraham; Shulhan Arukh, Oraḥ Hayyim 366:6*).

The measure of halla – שיעור חלה: By Torah law, there is no fixed measure for *halla*. Nevertheless, the Sages determined that it must constitute one twenty-fourth of the dough. They were lenient with regard to a baker, due to the potential loss (*Taz*) or due to the thickness of his dough (Rambam *Sefer Zera'im, Hilkhot Bikkurim 5:2*). Consequently, they required him to separate only one forty-eighth of the dough (*Shulhan Arukh, Yoreh De'a 322:1*).

Connected with a chip – תפרה בקיסם: If one connected the portions of a broken loaf with a wooden chip and the seam is inconspicuous, the loaf may be used for an *eiruv* (*Shulhan Arukh, Oraḥ Hayyim 366:6*).

Rice, lentil, and millet bread – פת אורז עדשים ודוחן: An *eiruv* may be prepared with rice bread, in accordance with Shmuel's opinion, and with lentil bread, as stated by Rav, but not with millet bread, as per the statement of Mar Ukva in the name of Shmuel (*Shulhan Arukh, Oraḥ Hayyim 366:8*).

לא קשיא: הא – בחלת נחתום, הא – בחלת בעל הבית.

דתנן: שיעור חלה אחד מעשרים וארבעה, העושה עיסה לעצמו ועיסה למשתה בנו, אחד מעשרים וארבעה. נחתום שהוא עושה למבור בשוק, וכן האשה שעשתה למבור בשוק – אחד מארבעים ושמונה.

אמר רב חסדא: תפרה בקיסם – מערבין לו בה. והא תנא: אין מערבין לו בה! לא קשיא: הא – דידיע תפרה, הא – דלא דייע תפרה.

אמר רבי זירא, אמר שמואל: מערבין בפת אורז ובפת דוחן. אמר מר עוקבא: לדידי מיפרשא לי מיניה דמר שמואל, בפת אורז – מערבין, ובפת דוחן – אין מערבין.

אמר רב חיאי בר אבין, אמר רב: מערבין בפת עדשים. אימי! והא ההיא דהואי בשני דמר שמואל, ושדייה לכבדיה ולא אכלה!

ההיא דשאר מינים הואי, דכתביב: "ואתה קח לך חטין ושעורים ופול ועדשים ודוחן וכוסמים" וגו'.

רב פפא אמר: ההיא צלויה בצואת האדם הואי, דכתביב: "והיא בגללי צאת האדם תעגנה לעיניהם".

מאי 'ועוגת שעורים תאכלנה'? אמר רב חסדא: לשיעורים. רב פפא אמר: עריבתה בעריבת שעורים, ולא בעריבת חטים.

The Gemara answers: This is **not difficult**, as the two sources are not dealing with the same amounts. In this case, where the *tanna* permitted a loaf that was missing the amount that must be removed for *halla*, he is referring to a baker's *halla*, which is a smaller amount and is therefore not considered a significant reduction of the loaf. However, in that case, where the *tanna* did not permit a loaf that was lacking the amount that must be removed for *halla*, it is referring to an ordinary homeowner's *halla*.^{NH} This *halla* portion is larger in size, and consequently the loaf may not be used for an *eiruv* if it is missing such a large amount.^N

The Gemara explains that this is as we learned in a mishna: The measure of *halla* fixed by the Sages is one twenty-fourth of the dough. Consequently, one who prepares dough for himself or dough for his son's wedding feast, the measure for *halla* is one twenty-fourth. However, a baker who prepares dough for sale in the market, and likewise a woman who prepares dough for sale in the market, is required to separate only one forty-eighth of the dough, as the Sages were lenient with those who sell their wares so that they should not suffer loss.^H

Rav Hisda said: With regard to one who connected the two portions of a broken loaf with a wood chip,^{NH} one may establish an *eiruv* with it, as it looks whole. The Gemara raises a difficulty: **But wasn't it taught in a baraita with regard to a case of this kind that one may not establish an *eiruv* with it?** The Gemara answers: This is **not difficult**, as in this case, where it may not be used for an *eiruv*, we are dealing with a situation where the seam is conspicuous; however, in that case, where it may be used for an *eiruv*, the reference is to a situation where the seam is not conspicuous.

Rabbi Zeira said that Shmuel said: One may establish an *eiruv* even with rice bread or with millet bread. **Mar Ukva said:** This ruling was explained to me by Mar Shmuel himself. **With rice bread one may establish an *eiruv*, but with millet bread one may not establish an *eiruv*,** as it is difficult to bake edible bread out of millet.

Rav Hiyva bar Avin said that Rav said: One may establish an *eiruv* with lentil bread.^H The Gemara raises a difficulty: **Is that so? Is such bread edible? But there was that lentil bread in the days of Mar Shmuel, which he threw to his dog, and even it would not eat it.** Clearly, lentil bread is not fit for human consumption.

The Gemara answers: **That bread which the dog refused to eat was a mixture of various types of grain.** It was baked in order to discover the taste of a bread of mixed ingredients and was similar to that which the prophet Ezekiel was commanded to eat, as it is written: **"Take you for yourself wheat, and barley, and beans, and lentils, and millet, and spelt, and put them in one vessel, and make them for yourself into bread"** (Ezekiel 4:9). This bread is unfit for human consumption, as even a dog at times will not eat it. However, bread prepared from lentils alone is edible.

Rav Pappa said: That bread of Ezekiel's was roasted in human excrement, as it is written: **"And you shall eat it as barley cakes, and you shall bake it with human excrement, in their sight"** (Ezekiel 4:12).

Having mentioned this verse, the Gemara asks a related question: **What is the meaning of: "And you shall eat it as barley [seorim] cakes"?** **Rav Hisda said:** The verse means that he should eat it in small measures [*leshiurim*], not as a satisfying meal. **Rav Pappa said:** Its preparation must be like the preparation of barley bread, coarse bread with regard to which one invests little effort, and not like the preparation of wheat bread.

Acquiring an *eiruv* with money – קניית עירוב בכסף: If a person gives money to a storeowner or a baker to transfer possession of an *eiruv* to him, the money does not transfer possession and the *eiruv* is invalid, in accordance with the opinion of the Rabbis. However, if he appointed the baker as his agent for establishing the *eiruv*, the *eiruv* is valid (*Shulhan Arukh HaRav*, based on the Rosh and the *Tur*; *Shulhan Arukh, Orah Hayyim* 369:1).

NOTES

As one may establish an *eiruv* for a person only with his knowledge – שאין מערבין לאדם אלא מדעתו: According to Rashi and other commentaries, the expression: As one may establish an *eiruv* for a person only with his knowledge, is referring to the previous statement of the mishna. The phrase explains why the money does not effect the transfer of possession to the one who gave the money to the storeowner. The Rosh, however, claims that the mishna is referring to a case of purchase, rather than to a case where another confers possession upon him. Consequently, the phrase: As one may establish an *eiruv* for a person only with his knowledge, does not clarify the previous statement; rather, it stands on its own.

The subject of the mishna – ענינה של המשנה: The mishna apparently deals with a joining of courtyards. However, some authorities maintain that with regard to a joining of courtyards, the transfer of the money should establish a valid *eiruv*, either because the storeowner himself is located in the courtyard or because everyone agrees, according to this approach, that a joining of courtyards is a benefit and not a disadvantage. Therefore, these commentaries explain the mishna as referring only to a joining of Shabbat boundaries (see Rashba).

Four times – ארבעה פרקים: These are four dates on which everyone holds large feasts. Any purchase of meat is evidently for this purpose and cannot be postponed to another occasion (see Rashi in tractate *Hullin*). Consequently, the butcher must slaughter the ox, even if he will entail a financial loss.

HALAKHA

As one may establish an *eiruv* for a person only with his knowledge – שאין מערבין לאדם אלא מדעתו: One may establish a joining of Shabbat boundaries for someone only with his knowledge, as stated by Rabbi Yehuda (*Shulhan Arukh, Orah Hayyim* 414:1).

A joining of courtyards without his knowledge – עירובי תחומין: There is no need to inform the people on whose behalf a joining of courtyards is established, because it is regarded as a benefit for them, in accordance with the opinion of Rabbi Yehuda. This *halakha* applies to a merging of alleyways as well (*Shulhan Arukh, Orah Hayyim* 366:10 in the comment of the Rema, and 392:8).

One may force the butcher to slaughter – משחיתין את הטבח: On the four dates listed in the mishna, a butcher must slaughter an animal even for a buyer who wishes to purchase only a small amount, and the transaction is effected by the payment. Some authorities maintain that the *halakha* is the same with regard to one who purchases wine for *kiddush*, that his payment effects the transaction (Rema, based on the Mahari; *Shulhan Arukh, Hoshen Mishpat* 199:3).

מתני' נותן אדם מעה לחנוני ולנחתום כדי שזוכה לו עירוב, דברי רבי אליעזר.

MISHNA A person may give a *ma'a* coin to a grocer or a baker, if they live in the same alleyway or courtyard, so that the grocer or baker will confer upon him possession of wine or bread for a merging of the alleyway or an *eiruv*, if other residents come to them to purchase these products for that purpose. This is the statement of Rabbi Eliezer.

ותקמים אומרים: לא זכו לו מעותיו.

And the Rabbis say: His money did not confer possession on him,^H as the transfer of money alone is not a valid mode of acquisition and cannot confer possession. One must perform a valid mode of acquisition, e.g., pulling an article into one's possession, to transfer ownership.

Perek VII
Daf 81 Amud b

ומודים בשאר כל האדם שזכו לו מעותיו, שאין מערבין לאדם אלא מדעתו.

And the Rabbis concede with regard to all other people, apart from grocers and bakers, that if one gave them money for the food of an *eiruv*, his money confers possession upon him, as one may establish an *eiruv* for a person only with his knowledge^{NH} and at his bidding. With regard to a grocer or baker, the person giving the money does not intend to appoint the grocer or the baker as his agent and the money itself does not effect an acquisition, and consequently, he did not accomplish anything. With regard to anyone else, however, there is no doubt that he must have intended to appoint him his agent, and his act is effective.^N

אמר רבי יהודה: במה דברים אמורים – בעירובי תחומין, אבל בעירובי חצירות – מערבין לדעתו ושלא לדעתו, לפי שזכין לאדם שלא בפניו ואין חבין לאדם שלא בפניו.

Rabbi Yehuda said: In what case is this statement said? It is said with regard to a joining of Shabbat boundaries, but with regard to a joining of courtyards, one may establish an *eiruv* for a person either with his knowledge or without his knowledge.^H The reason is because one may act for a person's benefit in his absence, but one may not act to a person's disadvantage in his absence. As a participant in a joining of courtyards benefits from his inclusion in the *eiruv*, his consent is not required. However, with regard to a joining of Shabbat boundaries, although it enables one to go farther in one direction, he loses the option of traveling in the opposite direction. When an action is to a person's disadvantage, or if it entails both benefits and disadvantages, one may act on that person's behalf only if he has been explicitly appointed his agent.

גמ' מאי טעמא דרבי אליעזר? הא לא משך!

GEMARA The Gemara poses a question: What is the reason for Rabbi Eliezer's opinion that one who gave money to a grocer or a baker has acquired possession of the food for the *eiruv*? This ruling is difficult, as he did not perform a transaction by pulling the food into his possession, and one can acquire an object only by performing a valid act of acquisition.

אמר רב נחמן, אמר רבה בר אבהו: עשאו רבי אליעזר בארבעה פרקים בשנה. דתנן: בארבעה פרקים אלו משחיתין את הטבח בעל כרחו, אפילו שור שזה אלף דינר ואין ללוקח אלא דינר אחד – בופני אותו לשחוט.

Rav Nahman said that Rabba bar Abbahu said: Rabbi Eliezer established this acquisition so that it should be like the four times^N during the year that the payment of money effects acquisition, as we learned in a mishna: On these four times every year, on the eves of Passover, *Shavuot*, Rosh HaShana, and the Eighth Day of Assembly, one who paid for meat may force the butcher to slaughter^H an animal against his will. Even if his ox was worth a thousand dinar, and the customer has paid for only one dinar's worth of meat, the customer may force the butcher to slaughter it, so that the buyer can receive his meat. The reason is that on these four occasions everyone buys meat, and therefore the butcher who promised to supply the customer with meat must give it to him, even if this causes the butcher a considerable loss.

Acquisition and pulling – קנין ומשיכה – In general, the transfer of money is not a valid mode of acquisition according to *halakha*. In other words, the money paid by a buyer does not transfer to him the actual ownership of the object he seeks to purchase. Consequently, both the seller and the buyer may renege on the deal, although it is considered improper to do so. In addition, the seller bears responsibility if something happens to the object. The transfer of money merely obligates the seller either to return the money or hand over the object, whichever he prefers. In contrast, the act of pulling the object into one's possession, or one of the other modes of acquisition, results in the full transfer of ownership from seller to buyer. According to Torah law, the object now belongs to the purchaser. This means that even if the purchaser has not yet paid for it, the outstanding payment is considered a debt, while the item itself belongs to him.

HALAKHA

If he gave a *ma'a* to a homeowner – נתן מעה לבעל הבית – With regard to one who gave a *ma'a* to a homeowner to establish an *eiruv* for him, if he said to the homeowner: Confer possession upon me, even if he did not explicitly appoint him as his agent, his intention was certainly to appoint him his agent. Consequently, he acquires the *eiruv*, in accordance with the opinion of Rav and Shmuel (Shulhan Arukh, *Orah Hayyim* 369:1).

But if he gave him a utensil, he acquires – כלי קונה – If a person gave a utensil to a baker, even if he said: Confer possession upon me, he establishes the *eiruv* by means of the form of acquisition known as exchange, in accordance with the opinion of Shmuel (Shulhan Arukh, *Orah Hayyim* 369:1).

לפיכך, אם מת – מת ללקוח. מת ללקוח? הא לא משך! אמר רב הונא: בשמשך.

אי הכי, אימא סיפא: בשאר ימות השנה אינו כן; לפיכך, אם מת – מת למוכר. אמאי? הא משך!

אמר רבי שמואל בר יצחק: לעולם בשלא משך, הקא במאי עסקינן – בשויבה לו על ידי אחר.

בארבעה פרקים אלו, דזכות הוא לו – זכין לו שלא בפניו. בשאר ימות השנה דחוב הוא לו – אין תבין לו אלא בפניו.

ורב אילא אמר רבי יוחנן: בארבעה פרקים אלו העמידו חכמים דבריהן על דברי תורה. דאמר רבי יוחנן: דבר תורה מעות קונות,

ומפני מה אמרו 'משיכה קונה' – גזירה שמה יאמר לו: נשרפו היטיך בעלייה.

"ומודים בשאר כל האדם כו'". מאן שאר כל אדם? אמר רב: בעל הבית.

וכן אמר שמואל: בעל הבית. דאמר שמואל: לא שנו אלא נחתום, אבל בעל הבית – קונה. ואמר שמואל: לא שנו אלא מעה, אבל כלי – קונה.

Therefore, if the ox died, it died at the buyer's expense. That is to say, he must bear the loss and is not entitled to get his dinar back. The Gemara asks: Why is this so? The customer **did not pull** the ox into his possession. As he did not perform an act of acquisition, he has not acquired any part of the ox, and his dinar should therefore be restored to him.⁸ **Rav Huna said:** We are dealing here with a case where he did pull the ox into his possession.

The Gemara raises a difficulty: **If so, say the latter clause** of that mishna as follows: With regard to **the rest of the days of the year, it is not so. Therefore, if the animal died, it died at the seller's expense.** If, as Rav Huna claims, the mishna is referring to a case where the purchaser had already pulled the animal into his possession, why must the seller suffer the loss? Since the customer pulled it into his possession and has acquired it, the ox died in his possession.

Rabbi Shmuel bar Yitzhak said: Actually, the mishna is referring to a case where the customer **did not pull** the animal into his possession. **With what are we dealing here?** We are dealing with a case where the butcher conferred possession upon his customer by means of another person, i.e., the butcher conferred possession upon the customer by instructing another person to acquire a dinar's worth of the ox's meat on his behalf, without having obtained his consent.

Consequently, **at these four times, when it is for his benefit**, as everyone wishes to buy meat on these days, **one may act for his benefit in his absence**, and the acquisition is valid. With regard to **the rest of the days of the year, when it is to his disadvantage**, as it obligates him in payment and he might have no interest in this purchase, **one may act to his disadvantage only in his presence.**

And Rav Ila said that Rabbi Yoḥanan said: **At these four times, the Sages based their statement on Torah law**, i.e., they ruled in accordance with Torah law. **As Rabbi Yoḥanan said: By Torah law**, the payment of money is an effective act of acquisition, which acquires movable property. Merchandise that is purchased with money is immediately transferred to the ownership of the buyer.

And why, then, did the Sages say that the mode of acquisition of pulling, not monetary payment, acquires movable goods? It is a decree issued by the Sages, lest the seller say to a buyer who has already paid for his merchandise: **Your wheat was burned in the upper story** of my house, and you have lost everything. According to Torah law, once the buyer pays, he owns the merchandise wherever it is located. As this state of affairs can lead to fraud, the Sages instituted that only an act of physical transfer of the item purchased can finalize the sale. On these four occasions, however, the Sages ordained that Torah law remains in effect. Rabbi Eliezer maintains that this enactment applies to an *eiruv* as well.

The mishna stated: The Rabbis **concede with regard to all other people** that if he gave them money for food for an *eiruv*, his money confers possession upon him. The Gemara asks: **Who is included among all other people?** **Rav said:** The reference is to an ordinary homeowner,⁹ not a merchant, who was asked by someone to receive possession of food for an *eiruv* on his behalf, by means of the money that he provided.

And likewise, Shmuel said: The reference is to an ordinary homeowner. **As Shmuel said: They taught this halakha only** with regard to a baker, but an ordinary homeowner may acquire the food on behalf of another person. **And Shmuel also said: They taught this halakha only** in a case where he gave him a *ma'a*, but if he gave him a utensil, he acquires¹⁰ the food for the *eiruv* by the mode of acquisition known as exchange. By handing over the utensil in exchange for the food of the *eiruv*, he acquires that food wherever it is located. However, one cannot perform the mode of acquisition of exchange with money.

ואמר שמואל: לא שנו אלא דאמר לו
"זכה לי", אבל אמר "ערב לי" – שליח
שויה, וקני.

And Shmuel further said: They taught this *halakha* only in a case where he said to the grocer or baker: Confer possession upon me; but if he said to him: Establish an *eiruv* on my behalf,^h he clearly intended to appoint him his agent to establish an *eiruv* on his behalf, and therefore the *eiruv* is acquired by means of his agency.

"אמר רבי יהודה במה דברים אמורים
וכו". אמר רב יהודה, אמר שמואל:
הלכה ברבי יהודה, ולא עוד, אלא: כל
מקום ששנה רבי יהודה בעירובין – הלכה
כמותו.

We learned in the mishna: Rabbi Yehuda said: In what case is this statement, that one may establish an *eiruv* only with a person's knowledge, said? This *halakha* applies to a joining of Shabbat boundaries, but not a joining of courtyards. Rav Yehuda said that Shmuel said: The *halakha* is in accordance with the opinion of Rabbi Yehuda in this regard, and not only that, but any place where Rabbi Yehuda taught a *halakha* with regard to *eiruv*in, the *halakha* is in accordance with his opinion.

אמר ליה רב חנא בגדתאא לרב יהודה:
אמר שמואל אפילו במבוי שנטלו
קורותיו או לחייו?

Rav Hana from Baghdad said to Rav Yehuda: Did Shmuel state this ruling even with regard to an alleyway whose cross beam or side post was removed during Shabbat? Rabbi Yehuda maintains that it is permitted to carry in this alleyway on that same Shabbat.

אמר ליה: בעירובין אמרתי לך, ולא
במחיצות.

He said to him: I spoke to you with regard to the acquisition of *eiruv*in, and not with regard to partitions. The *halakhot* of partitions are not considered part of the *halakhot* of *eiruv*in, as they touch upon several areas of *halakha*, only one of which is the issue of an *eiruv*. With regard to partitions, the *halakha* is not in accordance with Rabbi Yehuda.

אמר ליה רב אחא בריה דרבא לרב
אשי: הלכה מכלל דפליגי? והאמר רבי
יהושע בן לוי: כל מקום שאמר רבי יהודה
"אימתני" ו"במה" במשנתנו – אינו אלא
לפרש דברי חכמים!

Rav Aha, son of Rava, said to Rav Ashi: As it is stated that the *halakha* is in accordance with Rabbi Yehuda, this proves by inference that there is a dispute concerning this issue. But didn't Rabbi Yehoshua ben Levi say: Any place where Rabbi Yehuda says when, or in what case is this, in the Mishna, he intends only to explain the earlier statement of the Rabbis, not to disagree with them. Why, then, did Shmuel say that the *halakha* is in accordance with the opinion of Rabbi Yehuda, when according to Rabbi Yehoshua ben Levi he is merely clarifying the opinion of the Rabbis, and there is no dispute between them?

ולא פליגי?! והא אנן תנן: נתוספו עליהן –
מוסיף ומזכה וצריך להודיע!

Before addressing this question, the Gemara expresses surprise over the claim itself: And do Rabbi Yehuda and the Sages not dispute this issue? Didn't we learn in an earlier mishna: If new residents were added to the original residents of the alleyway, he may add to the *eiruv* for those residents and confer possession on them, and he must inform the new residents of their inclusion in the merging of alleyways. Apparently, this *tanna* maintains that one must inform them even with regard to a joining of courtyards. This ruling contradicts the opinion of Rabbi Yehuda, which proves that there is at least one Sage who does not accept his opinion.

התם בחצר שבין שני מבואות.

The Gemara answers: There, the mishna is referring to a courtyard situated between two alleyways,^h in which case the residents of the courtyard may join a merging with whichever alleyway they prefer. As their participation in the merging involves a certain disadvantage, for perhaps the residents of the courtyard would not want to establish a merging of alleyways with one alleyway and lose out on a potential merging with the other, it is necessary to inform them.

והאמר רב שיזבי, אמר רב חסדא: זאת
אומרת חלוקין עליו חביריו על רבי
יהודה!

The Gemara raises a further difficulty: Didn't Rav Sheizvi say that Rav H̄isda said with regard to that same mishna: That is to say that Rabbi Yehuda's colleagues disagree with him over the need to inform the other residents about the *eiruv*? This statement indicates that at least some Sages hold that the matter is in dispute, and not everyone agrees with Rabbi Yehuda.

אֲלֵא Rather, the Gemara resolves both difficulties together:

HALAKHA

If he said: Establish an *eiruv* on my behalf – אמר ערב לי – If one said to a baker or anyone else: Establish an *eiruv* on my behalf, and gave him money for this purpose, he has appointed him his agent for the *eiruv*, and the baker acquires the *eiruv* for him (*Shulhan Arukh, Orah Hayyim* 369:1).

חצר שבין שני מבואות – With regard to a courtyard situated between two alleyways, one who transfers possession of a merging to the residents must inform them before he does so, as they might prefer to participate in a merging of alleyways with the other alleyway (*Shulhan Arukh, Orah Hayyim* 368:2).