

OVERVIEW of the Daf

1) Two chatzeros with two houses between them

Rachavah tested the Rabbis with the following question: If there are two chatzeros with two houses between them and each house went through the other to place their eiruv in the opposite chatzer, can we simultaneously look at each house as a house to the opposite chatzer and a gatehouse to the adjacent house or not.

The Rabbis responded that it is ineffective.

This ruling is unsuccessfully challenged.

הדרן עלך הדר

2) **MISHNAH:** The Mishnah discusses the necessary dimensions and placement of a window that would allow two chatzeros separated by a wall to merge as one.

3) Clarifying the Mishnah

The Gemara thinks that the Mishnah's requirement for the window to be four tefachim is related to the halacha of lavud but this understanding is rejected.

A seemingly repetitive halachah in the Mishnah teaches that as long as part of the window is within ten tefachim of the ground the chatzeros may merge. This understanding is echoed in a Baeraisa.

4) A round window

R' Yochanan ruled: A round window must have a circumference of twenty-four tefachim to allow the two chatzeros to merge as one.

After struggling to explain R' Yochanan's calculation the Gemara concludes that R' Yochanan is following calculations formulated by the judges or Rabbis of Caesarea.

5) The requirement for the window to be within ten tefachim of the ground

R' Nachman asserts that a window between two houses does not have to be within ten tefachim of the floor because we look at the house as if it was filled, thus raising the height of the floor.

R' Nachman's assertion is unsuccessfully challenged.

R' Abba asked R' Nachman whether his principle would apply to connect a house to an attic and he replied that it would.

6) **MISHNAH:** The Mishnah continues to discuss the status of two chatzeros separated by a wall.

7) A wall less than four tefachim

Rav and R' Yochanan disagree regarding the use of a wall less than four tefachim wide. ■

Distinctive INSIGHT

Circular Calculations

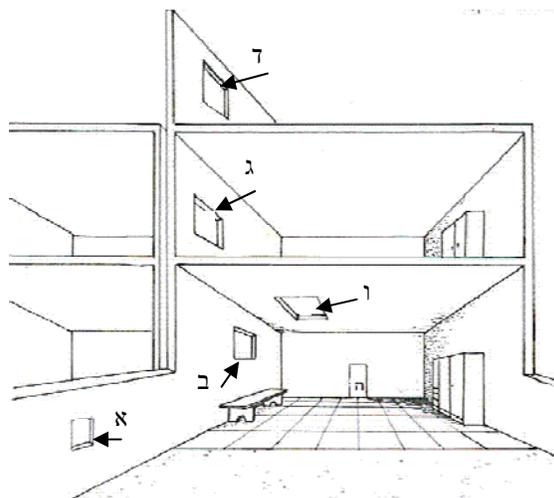
א"ר יוחנן חלון עגול צריך שיהא בהקיפו עשרים וארבעה טפחים. ושנים ומשהו מהן בתוך עשרה - שאם ירבענו נמצא משהו בתוך י'

At the end of the sugya, the Gemara concludes that the window in the wall between the chatzeros must have a circumference of 16 and 4/5 tefachim, and the Shulchan Aruch (372:4) rules accordingly. Mishna Berura (note 30), and Sha'ar Hatziun (note 18) state that this circumference allows a square of 4 by 4 tefachim to be inscribed within it. Actually, using the rule of Tosafos (Sukka 8a, ד"ה כל) that every unit along the edge of a square results in one and two-fifths along the diagonal, the measure of the circle would have to be slightly larger to accommodate a square of a full 4 by 4. [The Gemara uses pi as 3. Using this, a circumference of 16.8 translates to a diameter of 5.6, and an inscribed square of 4. However, pi is actually slightly more than 3.14, and a circle of 16.8 would not allow for a full 4 by 4 as needed.] Nevertheless, the halachah recognizes this discrepancy, by still allows the measurement to be used, albeit being aware that it is approximate, and even too low. In fact, it may be that the tradition to rely upon these rounded numbers dates back to Sinai itself, and that we may therefore use these measurements not only in rabbinic laws, but in Torah law calculations as well.

(Distinctive Insight...continued on page 2)

Daf DIAGRAM

אחד לי חלון שבין ב' חצירות וכו' שבין ב' בתים וכו' שבין ב' בעליות וכו' שבין ב' גגין וכו' שבין ב' חדרים וכו'



This picture illustrates the windows mentioned in the Baraisa cited by Rava to refute R' Nachman's distinction between a window between two chatzeros and a window between two houses. א is a window between two courtyards; ב is a window between two houses; ג is a window between two attics; ד is a window between two roofs; ה is a window between two rooms. The ו is the overhead window that connects the house to the attic which is the case that R' Abba asked about from R' Nachman. ■

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HALACHAH Highlight

Making an eiruv techumin during Bein HaShemashos

שניהם קנו עירוב

Both of their eiruv's are valid

The Gemara cites a teaching of Rava that relates to making an eiruv during Bein HaShemashos. In his case two people instructed an agent to make an eiruv for them. For one of them he made the eiruv before Shabbos began but for the second fellow he made his eiruv during Bein HaShemashos. It happens to be that the first fellow's eiruv was eaten during Bein HaShemashos and the second fellow's eiruv was eaten after nightfall. Seemingly, if the first person's eiruv is valid because Bein HaShemashos is considered Shabbos and his eiruv was intact as Shabbos began, the second fellow's eiruv is invalid since it was not made until after Shabbos began. If the second fellow's eiruv is valid because Bein HaShemashos is considered before Shabbos then the first fellow's eiruv is invalid since his eiruv was consumed before Shabbos began and did not have an eiruv in place at the onset of Shabbos. Rava rules, however, that both eiruvim are valid. The reason, Rashi explains¹ is that eiruv is a Rabbinic law and one may adopt a lenient approach, in this case regarding the status of Bein HaShemashos, regarding Rabbinic laws even though when one places the two leniencies side by side they are contradictory.

There is a major debate amongst commentators whether Rava is referring to eiruv chatzeiros or eiruv techumin. Rashi² maintains that Rava's teaching relates to eiruv techumin. The rationale behind his assertion is that halachah follows R' Yosi's opinion elsewhere that when there is a matter of doubt concern-

REVIEW and Remember

1. What's an example where we rule leniently even though the two rulings are mutually exclusive?

2. Why do all opinions agree that the minimum size of a window to be able to merge two chatzeiros is four tefachim?

3. Explain **ביתא כמאן דמלי דמי**?

4. Why are residents of both chatzeiros permitted to carry atop a wall that is ten tefachim high and four tefachim wide?

ing the validity of an eiruv techumin one may adopt a lenient position. Similarly, in our case since the validity of the eiruv is in doubt one may adopt a lenient position. Shulchan Aruch³ follows Rashi's explanation and rules that one should not make an eiruv techumin during the period of Bein HaShemashos but in the event that one did make an eiruv during Bein HaShemashos, it is valid. He⁴ also cites Rava's ruling as recorded in our Gemara and applies it explicitly to eiruv techumin but notes that there are authorities who challenge this ruling. Be'er HaGolah⁵ explains that the dissenting opinion represents the position of the commentators who maintain that Rava's ruling is limited to eiruv chatzeiros rather than eiruv techumin. ■

¹ רש"י ד"ה שניהן קנו עירוב.
² רש"י שבת ל"ד. ד"ה שעירב.
³ שו"ע ארו"ח סי' תט"ו סעי' ב'.
⁴ שו"ע שם סעי' ג'.
⁵ באר הגולה שם. ■

Gemara GEM

A House is Considered as if it is Filled

בעא מיניה רבי אבא מרב נחמן לול הפתוח מן בית לעלייה צריך סולם קבוע להתירו או אין צריך סולם קבוע להתירו

The case here is one of a second floor apartment built atop a first floor apartment. The apartments belong to different people, but there is an opening between the two – a kind of trap door in the ceiling of the lower apartment that is the floor of the upper apartment. The Gemara invokes the principle of **ביתא כמאן דמלי דמי** - a house is considered as if it is filled, and rules that it is not necessary to have a ladder in place in order to consider the two apartments as accessible to

each other in order for them to participate in a joint eiruv.

R' Moshe Feinstein (*Igros Moshe, Orach Chaim* 1:139, end of *anaf* 2) posits that the principle that a house is considered as if it is filled— only applies when the "house" is enclosed by both walls and a roof. As evidence of this, he cites Rashi to *Shabbos* 97a, who writes that the reason that a house is considered as if it is filled is because the house is dark and its air is thick. Thus, it is only in the case of a closed house that no ladder is necessary, because only then does the principle of a house is considered as if it is filled allow us to treat the case as one in which there is access to the upper apartment by the virtual climbing of the virtual ladder fashioned from the virtual objects that "fill"

the house.

Accordingly, writes Reb Moshe, a novel ruling would apply to a case in which the second floor apartment was built over a first floor that consisted of pillars, but no walls. In this case, the virtual ladder is non-existent, since the principle of a house is considered as if it is filled is not applicable. Accordingly, in this case, a permanent ladder providing real access must be in place for the two owners to participate in a joint eiruv. ■

(Distinctive Insight...continued from page 1)

Chazon Ish (138:2) also writes along these lines, and the truth is that this opinion has already been recorded in Tosafos HaRosh (in his commentary, earlier to 12a). ■

