

OVERVIEW of the Daf

1) Support for Rav and R' Yehudah

A Baraisa is cited that supports Rav's understanding of Chachamim, and a second Baraisa is cited that supports R' Yehudah's understanding of R' Shimon.

2) Clarifying R' Shimon's opinion

Rav states that the halachah is like R' Shimon provided that the residents of the chatzeros did not make an eiruv. Shmuel and R' Yochanan disagree and maintain that there is no distinction between whether the residents made an eiruv or not.

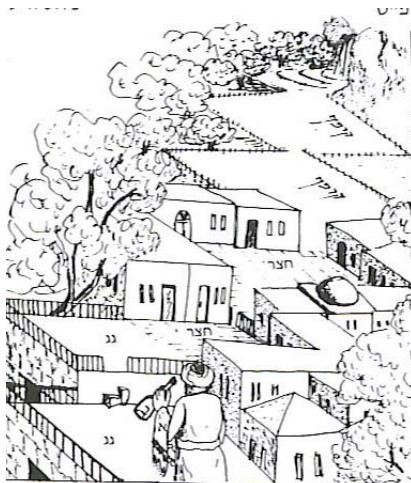
R' Chisda unsuccessfully challenges Shmuel and R' Yochanan.

R' Sheishes unsuccessfully challenges Rav. The Gemara then, unsuccessfully, attempts to prove Rav's position as correct.

The Gemara suggests that the ruling in the previously-cited Baraisa supports Rav's ruling that it is prohibited to carry more than four amos in a mavoi in which the chatzeros did not make a shituf.

The Gemara demonstrates that one may not draw proof for Rav from this Baraisa. ■

Daf DIAGRAM



אמר רבי כשהיינו לומדים תורה
 אצל ר' שמעון בתקוע היינו
 מעלין שמן ואלונטית מגג לגג
 ומגג לחצר ומחצר לחצר ומחצר
 לקרפף ומקרפף לקרפף אחר עד
 שהיינו מגיעין אצל המעיין
 שהיינו רוחצין בו

Rebbi reported that when he was a student studying under R' Shimon in Tekoa they would carry their towels and oil from roof to roof, from roof to

chatzer, from chatzer to chatzer, from chatzer to karpaf, and from karpaf to karpaf until they reached the spring in which they would bathe. This report confirms R' Yehudah's explanation of R' Shimon who views all these different areas as one domain. ■

Gemara GEM

A "shvus-d'shvus" for a mitzvah

אמר ר' יהודה מעשה בשעת הסכנה והיינו מעלין ספר תורה מחצר לחצר לגג וכו'. אמרו לו אין שעת הסכנה ראייה

Shulchan Aruch (307:5) rules that a שבות דשבות—a situation where two rabbinic laws are in force simultaneously – is prohibited even when a mitzvah is needed to be performed. He comes to this conclusion from the fact that the Gemara only allows a שבות דשבות in a case of preparing for a milah on Shabbos. It seems that only by milah, which is itself permitted on Shabbos, do we allow a double d'rabbanan. However, in order to perform other mitzvos this would not necessarily be the case.

Magen Avraham (307:#8) brings the case in our Gemara into this discussion. Here, we are dealing with the mitzvah of reading the Torah. The government authorities had prohibited the reading of Torah in public, and the Jews had to fulfill this mitzvah clandestinely. The Torah was transported from a chatzer to a roof, and from the roof to the karpaf. The Gemara states that this is not a proof for R' Yehuda that these all constitute one domain, because even according to the one who holds that these are separate domains, transporting the Torah would be allowed for the sake of the mitzvah. We see, therefore, that even a single d'rabbanan can be violated in order to fulfill a mitzvah.

Nevertheless, the Magen Avraham concludes that we cannot make any general rules from either case, because every case of leniency by a d'rabbanan depends on the precise nature of the ruling. The case of milah is a positive mitzvah which involves kares, while there are cases which deal with the settling of Eretz Yisroel (Shulchan Aruch 306:11).

Machatzis HaShekel notes that our case of transporting a Sefer Torah involved an extreme situation of danger, where, had the rabbinic restriction not been relaxed, the mitzvah of reading the Torah publicly would have been suspended during the entire duration of the government decree. This should not be automatically compared to a case discussed in Tosafos (Gittin 8b, ד"ה אע"ג), where a Sefer Torah was forgotten at someone's house before Shabbos, where permission was not granted to have it brought to the shul by a gentile. That one time oversight was not viewed leniently, because the consequences were not extreme, as we found in our case, where the entire custom of reading in public was threatened. ■

HALACHAH Highlight

A student accompanying his rebbi to the bathhouse

כשהיינו לומדים תורה אצל ר"ש בתקוע

When we studied Torah with R' Shimon in Takoa

Rebbi reports that when he was a student of R' Shimon in Takoa they used to transport bath related items through different domains until they reached the spring where they would bathe. Tosafos¹ contends that only one student would accompany R' Shimon at a time since the Gemara in Pesachim (51a) rules that a student may not bathe with his rebbi but if the rebbi needs assistance it is permitted. Seemingly, R' Shimon would not require any more than one student to assist him at a time.

Teshuvos Minchas Yitzchok² explains that there are two prohibitions involved in a student entering the bathhouse with his rebbi. One prohibition addresses the student in that it is disrespectful for a student to enter the bathhouse with his rebbi. The second issue is that included in the prohibition of behaving in a lightheaded manner in front of one's students³ is to allow them to enter the bathhouse with him. As far as the student's prohibition is concerned, it is clear that when a rebbi requires the assistance of his student and forgoes the honor due to him there is no prohibition for the student to assist his rebbi in the bathhouse. What is not as clear is that a rebbi can permit a student to accompany him. Although the Gemara does not explain why it is permitted, it is evident from R' Shimon's behavior that a rebbi is permitted to allow a student to accompany him in the bathhouse. It must be that when a rebbi requires assistance it is not considered lightheaded behavior for a student to assist him. With this he explains why Rambam cites this halachah in two separate places. In Hilchos Talmud To-

REVIEW and Remember

1. Summarize the three opinions of the Mishnah according to R' Yehudah.
2. What is the rationale, according to Rav, to distinguish between when the residents of the chatzeros made an eiruv or not?
3. Why did the Sages dismiss R' Yehudah's proof that a chatzer, roof and karpaf are considered to be one domain?
4. Why does Rav prohibit carrying more than four amos in a mavoi when the residents did not make a shituf?

rah³ Rambam mentions the prohibition without the allowance of when the rebbi needs assistance but in Hilchos Isurei Bi'ah he mentions the prohibition as well as this leniency. The reason is that in Hilchos Talmud Torah he addresses the matter from the perspective of the student and it is obvious that if the rebbi is willing to forgo his honor it is not prohibited for the student to accompany him. In Hilchos Isurei Bi'ah he addresses the matter from the perspective of the rebbi and in that context it was necessary for Rambam to teach that the rebbi can allow his student to assist him since that leniency is not as obvious. ■

¹ תוס' שבת קמ"ז: ד"ה דתניא.

² שו"ת מנחת יצחק ח"ד סי' ס"ב.

³ רמב"ם פ"ה מהל' תלמוד תורה ה"ו.

⁴ רמב"ם פכ"א מהל' איסורי ביאה ה"ו. ■

Distinctive INSIGHT

Both this and that?

רבי שמעון אומר אחד גגין וכו': אמר רב הלכה כרבי שמעון והוא שלא עירבו אבל עירבו לא דגורין דילמא אתי לאפוקי מאני דבתים לחצר ושמואל אמר בין עירבו בין שלא עירבו וכן אמר רבי יוחנן מי לחשך בין עירבו ובין שלא עירבו מתקיף לה רב חסדא לשמואל ולרבי יוחנן יאמרו שני כלים בחצר אחת זה מותר וזה אסור רבי שמעון לטעמיה דלא גזר

R' Chisda here expresses astonishment that both Shmuel and R' Yochanan should allow an inconsistency in halachah that might lead to confusion: If you allow the transfer from yard to yard of both objects that originated in a house (that participated in the eiruv of the one yard) and objects that originated from the yard itself

(of a house that did not participate in an eiruv), people will come to question: Why may one object be transferred (from yard to yard), while another object may not be transferred?

A similar discussion appears in Gittin (18a), where Shmuel says that the three-month period that a divorced woman must wait before remarrying begins from the date her get was written, not from the date that it was given. Here, R' Nosson bar Oshiya expresses astonishment: If you allow the remarriage to take place three months after the date on which the get was written, people will come to question: Two women divorced by the same man on the same day, one is permitted to remarry earlier and one later (depending on the dates of their gittin)?

Why does this question of consistency

not seem to bother Shmuel specifically? Perhaps we can find a clue on the basis of the twin principles that halachah in monetary issues follows Shmuel and that halachah in monetary issues follows R' Nachman. We see in Bava Basra 143a that in a case in which one person says to another: "Acquire, you and the donkey together," R' Nachman rules – and the halachah hence is – that the person acquires half of the entity in question. But will not people come to question: The acquisition by the donkey is meaningless, yet the acquisition by the person is effective?

Evidently, dayanim like Shmuel and R' Nachman felt that halachah must be precise, regardless of the impression that might be left in the process (see Gilyonei HaShas here and Teshuvos Yabi'a Omer, vol. 6, Even HaEzer 2:2). ■

