

Laws of Eruvin, Chapter 3 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Chapter 3 – Laws of Eruvin (Rambam)

Introduction to the Chapter

The topic of Chapter 3: Until now (Chapters 1-2) we discussed eruv chatzeiros within **one** courtyard. Chapter 3 addresses the question: What is the law when **two courtyards** are adjacent to one another – can they be combined with one eruv, and what are the conditions for this?

The Three Situations

The entire chapter revolves around **three possible halachic situations** with two adjacent courtyards:

- 1. Completely two courtyards** – One **cannot** make one eruv for both. Each courtyard makes its own separate eruv. A shituf mevo'os doesn't help either, because the bread of eruv chatzeiros only works when it's one courtyard; the prohibition of carrying from one courtyard to another remains in effect.
- 2. Completely one courtyard** – One **must** make one eruv for everyone together. There is no such thing as a "half eruv" – if one person in the courtyard is not me'arev, no one may carry.
- 3. The middle situation (optional)** – One **may** make one eruv, but one **doesn't have to**. It depends on the will of the residents: if they want to carry between both courtyards – they make one eruv; if they don't want to – each courtyard makes its own.

The chapter speaks primarily of **combining two courtyards**, not of dividing one courtyard. Later in the chapter (around halacha 16) a new question arises: What is the law of a **space in between** the two courtyards – to whom does it belong? And also: What is the law if **in the middle of Shabbos** something changed (mechitzah she'na'aseis b'Shabbos).

Halacha 1 – A Window Between Two Courtyards

Rambam: A window between two courtyards – if it is four tefachim by four tefachim or more, and it was close to the ground within ten tefachim – even if all of it is above ten and part of it is within ten, or all of it is within ten and part of it is above ten – if the residents of the two courtyards wish to make eruv, all of them one eruv, they have the option, and one may only go out from courtyard to courtyard through the window between them... And if they wish, they make two eruvin, these for themselves and those for themselves. If the window was less than four, or if it was entirely above ten – they make two eruvin and do not make one.

Explanation

A window between two courtyards can unite them for one eruv, if two conditions are met: (a) the window is at least 4 by 4 tefachim, (b) it is within ten tefachim from the ground (even

partially). When both conditions exist – it is the **middle situation**: if they wish – they make one eruv; if they wish – they make two. When one of the conditions is missing – they must make two separate eruvin.

Insights and Explanations

1. The window doesn't make it "one courtyard" literally – even a large, low window doesn't make it literally one courtyard (which would obligate one eruv). It remains two courtyards, but one **may** unite them if one wishes. The reasoning: a window that is 4 by 4 and within ten is a "shared space" that both courtyards can conveniently use – one can pass things through the window – but it's still two separate domains.

2. "All of it above ten and part of it within ten" – "all of it" apparently means **most of it**, because "all of it and part of it" is a contradiction if taken literally. This means: even if most of the window is higher than ten tefachim, but a piece reaches into within ten – it's enough.

3. Why doesn't shituf mevo'os help when it's truly two courtyards? Shituf mevo'os only works when from the Torah it's permitted (it's not a karmelis); the eruv chatzeiros with bread only works when it's truly one courtyard. When it's truly two separate courtyards, the prohibition of carrying from one to the other remains, and the bread-eruv cannot solve this. **However** – if both courtyards are in one mavoy and one has already made a shituf mevo'os, one doesn't need to come to the window to connect the courtyards. The entire discussion about a window is only when there is no better solution.

Halacha – A Window Between Two Houses / House to Upper Story

Rambam: A window between two houses – even if it is above ten, and its measure is 4 by 4. And similarly a window between a house and an upper story.

Explanation

With a window between two **houses** (not courtyards) one only needs the measure of 4 by 4, but the condition of below ten falls away. The same with a window between a house and an upper story (second floor).

Insights and Explanations

1. Distinction between courtyards and houses: Between **two courtyards** one needs both conditions (4 by 4 and below ten). Between **two houses** or **house to upper story** one only needs the measure of 4 by 4, but **not** the condition of below ten. The reasoning: bringing together two houses is easier than two courtyards, because houses are already automatically closer – they are in the same courtyard or even in the same building.

2. Innovation of house and upper story: Even between downstairs and upstairs in the same building one needs an eruv chatzeiros when there are two separate dwellings (divided in dwelling). A person would think that in one building one

may carry freely, but it's not so — two floors with two separate residents is like two separate domains.

3. [Digression: Discussion about the reason for the decree by house and upper story] The original reason for the decree is that one shouldn't come to carry from reshus hayachid to reshus harabim, because the shared space (courtyard) looks like reshus harabim. But by house and upper story there is no shared space — one carries directly from one reshus hayachid to another. How does the reason fit? The answer: the principle is **kol reshus hayachid shecholkin b'diyurin** — when two separate people live, that itself is enough for the prohibition, even without a shared space. The decree extends to the point that between any two separate domains one needs an eruv chatzeiros. One shouldn't be too "stuck" on reasons — the Sages stated the reason at the beginning, but the laws extend further even to cases where the reason doesn't fit exactly.

Halacha – Round Window

Rambam: The measure of 4 by 4 doesn't have to be specifically square — a **round (agul) window** is also valid, but it must be large enough that one can fit a 4 by 4 square inside it.

Explanation

A round window is valid if it is large enough that a square of 4 by 4 fits inside it.

Insights

The circle must be a bit larger than 4 by 4, because we don't count the entire space of the circle, but the square that fits inside it. This is connected to the principle of "meruba b'soch agul" — as with techum Shabbos, except there it's reversed (igul b'soch meruba, which makes it larger from the outside).

Halacha – A Wall Between Two Courtyards

Rambam: A wall between two courtyards, or a partition between two courtyards — the law depends on the height of the wall:

- **Less than ten tefachim** — they make eruv together and do not make two.

- **Ten tefachim** — they make two and do not make one.

- **Ten tefachim with a ladder/platform/ledge** — if they wish they make one, if they wish they make two.

Explanation

Three cases:

- **Less than ten tefachim** — this is not a proper partition, and it's like one courtyard — one **must** make one eruv.

- **Ten tefachim** — this is a full partition, and they are two separate courtyards — one **cannot** make one eruv.

- **With a ladder/platform/ledge** — the middle situation: if they wish.

Insights

The principle of ten tefachim as a partition is the same foundation as throughout the laws of Shabbos. A "kosel" is a permanent stone wall, a "mechitzah" is perhaps something more temporary (fence, boxes, etc.) — but the law is the same.

Halacha – A Ladder on This Side and a Ladder on That Side

Rambam: If between two courtyards there is a wall, and on both sides stands a ladder, it is considered like an opening, and **if they wish they make one eruv**.

Explanation

The ladder makes it possible to cross from one courtyard to the other, and therefore it is treated like an opening in the wall. This doesn't give the status of "one courtyard" literally (like a wall less than ten), but it gives the status of **if they wish they make one**.

Insights and Explanations

1. **A ladder standing upright leaning against the wall** — even when the ladder stands straight (zakuf) leaning against the wall, so that one cannot climb up until one pulls the bottom a bit away from the wall (**she'eino yachol la'alos bo ad sheyimshoch v'yarchik tachtav min hakosel**) — it is also permissible. The reason: since the ladder lies there specifically for that purpose, it is considered like an opening.

2. **The head of the ladder doesn't reach the top of the wall** — even when the ladder doesn't reach to the top of the wall, if **there remains from the building less than three tefachim** — the law of **lavud** applies, and the ladder permits.

3. **"Zakuf l'kosel" — explanation:** There was a dispute in understanding: whether "zakuf l'kosel" means that the ladder lies somewhere in the vicinity ready to bring, or it means literally that it stands straight leaning against the wall. The conclusion: **zakuf l'kosel means that it stands straight leaning against the wall** — the ladder is physically there, but it's not in a slanted position for climbing. We're not talking about bringing a ladder from elsewhere.

4. **Ladders that are not aligned opposite each other** — when the wall is wide, and the two ladders (one on each side) are not aligned opposite each other:

- **If the wall was four tefachim wide** — even when the ladders are far from each other (one in the north, one in the south), **if they wish they make one**. The reason: a wall 4 tefachim wide is enough that a person can walk on it from one ladder to the other.

- **If the width of the wall is not four tefachim** — then one must see if the ladders are close: **if there are not between the ladders three tefachim** — they make one (through lavud). **If there are between them three** — they make two.

Innovation: Here we're talking about **built steps** (not movable ladders), because if one can move the ladder, we already learned earlier that even "zakuf l'kosel" permits. The new law is only with fixed ladders that one cannot move.

5. **Its weight establishes it** — the heaviness of the ladder is what makes it fixed. One doesn't need to physically connect it to the wall, but it must truly lie there and not fly away.

Halacha – Platform Upon Platform

Rambam: Building platform upon platform beside the wall — one builds stone steps beside the wall in order to reduce the height of the wall (so it will become less than ten tefachim):

- **If the lower one has four tefachim** — it reduces, because 4 by 4 is a domain in itself.

- **Even if the lower one doesn't have four tefachim, but there is not between it and the upper one three** – through lavud they are counted together, and if together they are four tefachim, it also reduces.

Explanation

Platforms beside the wall make the wall effectively lower, so that one can cross over.

Insights

1. **How two platforms work together:** They lie **in layers** (stacked) – one sticks out more to one side, the other to the other side – and together they take away from the height of the wall.

2. **Distinction between platform and ladder:** A platform is **better** than a ladder in certain respects: with a ladder the head of the ladder must reach until lavud from the top (less than three), but with a platform it's enough that one reduces the wall to less than ten – this is much less stringent. The reason: a platform is convenient to stand on, it works like a **ceiling of the wall** – it literally makes the wall lower.

3. **The law of "if they wish" by platform versus a wall less than ten:** With a wall that is truly less than ten tefachim, the law is that one **must** be me'arev as one (because it's like one courtyard). But with a wall that is ten tefachim but one has reduced it through platforms – the law is only **if they wish they make one**, as with a ladder/opening. The distinction: a truly low wall is like one domain; a wall that is reduced through platforms is more like a ladder/opening – it gives a possibility but not an obligation.

4. **The same law with a wooden staircase** – the law is the same if one places a wooden staircase (not just stone), further it must be four tefachim or valid four tefachim.

Halacha – A Ledge (Projection) in the Middle of the Wall

Rambam: A high wall (at least ten tefachim) between two courtyards, and a ledge (projection/landing) sticks out in the middle of the wall.

Explanation

The ledge serves as a means to reduce the effective height of the wall, so that one can cross from one courtyard to the other.

Insights

1. **First method – ledge with ladder:** If from the ledge to the top of the wall is less than ten tefachim, one places a ladder from the ground to the ledge. The ladder helps overcome the lower part, and the upper part (less than ten) is easy enough to cross. Then they make one eruv if they wish. **However** – the ladder must stand directly before the ledge (directly under the ledge), not beside the ledge (on the side). If the ladder stands on the side, it doesn't help.

2. **Second method – ledge without ladder (wall of 19 tefachim):** With a wall of nineteen tefachim, one sticks out one ledge in the middle. This divides the wall into two parts of nine and a half tefachim each – both less than ten. One can give a jump up onto the ledge, and from the ledge to the top of the wall is also less than ten. **Innovation:** Here one doesn't need a ladder at all – the ledge itself is enough, because both parts are less than ten. Rashi writes: "From this side to that side less than ten."

3. **Third method – two ledges (wall of 20 tefachim):** With a wall of twenty tefachim one cannot with one ledge,

because each part will be ten tefachim. Therefore one needs **two ledges not opposite each other** – not one on top of the other, but offset like steps (as one climbs trees). The condition: from ground to lower ledge – less than ten, from upper ledge to top of wall – less than ten, and between the two ledges one can easily climb.

4. **Why is a ledge enough without permanence, but a ladder needs permanence?** A ledge is **built in** to the wall – it's hard to change, it can't go away. A ladder however is a movable thing, therefore it needs permanence. The weight (heaviness) of the ladder is what makes it fixed – "its weight establishes it."

Halacha – A Palm Tree Instead of a Ladder

Rambam: A palm tree that was cut and leaned on the top of the wall and on the ground – one cut a palm tree and laid it between the ground and the top of the wall – **they make one eruv if they wish**.

Explanation

A palm tree that lies leaning on the wall serves as a ladder.

Insights

- A palm tree is not exactly a ladder, but a piece of wood, but it's more convenient to walk on because it's long, wide, and one can grab hold more easily.

- **And one needs to establish** – one doesn't need to establish the palm tree (connect it). It's enough that it lies there.

- **And similarly a ladder – its weight establishes it** – with a ladder also, the weight itself makes it fixed.

Halacha – A Living Tree Beside the Wall

Rambam: If a living tree stands beside the wall and one can climb up through it, **they make one eruv**.

Explanation

A living tree works like a ladder, even though it's rabbinically forbidden to use a tree on Shabbos (use of a tree).

Insights

1. **The prohibition of using a tree on Shabbos is only a prohibition of shevus (rabbinic)**, and a shevus doesn't interfere. The principle is as with bread for eruv – where we also distinguished between Torah law and rabbinic law.

2. **An asherah tree (idolatry):** If the tree is an asherah that is forbidden in benefit from Torah law (outside the Land according to Rashi's opinion), then one **cannot** make one eruv – one must make two eruvin. The innovation is that climbing on an asherah tree is called **benefit** from the tree, just like using a tree on Shabbos.

3. **[Digression: Bein hashmashos]** It is mentioned that perhaps the reason why a shevus doesn't interfere is because during bein hashmashos on Erev Shabbos (when the eruv takes effect) we are lenient on rabbinic matters. But it is also noted that with a courtyard we saw that even when something falls apart on Shabbos, it's not necessarily dependent on bein hashmashos.

Halacha – Reeds (Straw Wall)

Rambam: Reeds (straw) between two courtyards – even with a ladder, **they do not make eruv together**,

because **the foot has no strength to climb on a ladder because it has nothing to lean on** – one cannot climb on reeds, the ladder has nothing to lean against.

Explanation

A partition of straw is too weak for a ladder – the ladder will fall down.

Insights

1. **Distinction between reeds and boards:** Boards (a firmer partition) that are connected have the status of a wall, but reeds are too weak.

2. **Question:** If reeds are just straw, can't one simply walk through? It must be that it's talking about a gate (fence) of ten tefachim high, which is quite high, but it's too weak for a ladder.

3. **If the ladder was in the middle and reeds on this side and that side:** If the ladder stands stable in the middle and reeds are on both sides – **if they wish they make two** (meaning: one can do both ways – either two or one). The ladder must hold firmly – not leaning on the reeds (which will fall down), but standing firmly between both sides. **Innovation in language:** "They make two" actually means that one can do both ways, not that one must make two.

Halacha – A High Wall of Ten: Reducing It

Rambam: If there is in its length a reduction of four tefachim – as long as there is an area of 4 tefachim where the wall is less than ten tefachim, one can make one eruv, because this is like an opening.

Insights

1. **Breaking part of the wall – "the short side takes half the side":** When one breaks only part of the thickness of the wall, it becomes a question: to which courtyard does the wall belong? The principle: **from the side where it's lower** (where one took down), one can easily climb up – therefore that side of the wall belongs to that courtyard. **And the rest of the high wall** remains between both courtyards.

2. **Question:** Why does it help to take down only part of the thickness? There's still a wall of ten tefachim! The answer: from **one side** one can now easily climb up to the top, because there one took down – so for **one** courtyard a change has occurred, but for the **other** side it remains unchanged. (The student is not satisfied with this answer – when one must insert words that don't stand explicitly.)

Halacha – A Breach in the Wall

Rambam: If there was a breach up to ten amos – up to 10 amos it's an opening, one can make two eruvin (or one). **More than ten** – more than 10 amos nullifies the wall, one must make one eruv.

Insights

1. **Rebbi's opinion – completing to more than ten:** When one wants to **enlarge** an existing breach so it will be more than 10 amos (so that one will have to make one eruv), it's enough **to carve in the wall a height of ten tefachim** – he only needs to carve out 10 tefachim high, not to the top. A piece of wall can remain from above or below.

2. **Initially breaking more than ten from corner to corner:** If one wants **initially** to break more than 10 amos

(not enlarging an existing breach), then he **must** destroy the **entire height** of the wall to the top – 10 tefachim alone is not enough.

Halacha – A Ditch Between Two Courtyards

Rambam: A hole/ditch between two courtyards – **deep ten and wide four or more** – it's a domain in itself, one must make two eruvin. **Less than this** – they make one eruv.

Explanation

The ditch is the other side of a partition – not up but down. A ditch deep ten and wide 4 divides two courtyards.

Insights

1. **Reducing depth with earth/pebbles:** If one throws in sand or small stones, **ordinary earth and pebbles in the ditch are nullified** – they are automatically nullified to the ditch, the ditch becomes smaller, and one must make one eruv.

2. **Straw or reeds:** With straw it's different – **they don't reduce until one nullifies** – one must explicitly say "I hereby nullify the straw." The reason: straw the person can take away (e.g., for animals to eat), and it will remain a hole of ten tefachim. Ordinarily a person doesn't nullify straw to the hole.

3. **Distinction from ladder:** The previous problem with reeds by a ladder (that it's floppy and one slips) is **not relevant** by a ditch – because here one fills in a hole, one doesn't need to climb up.

4. **Reducing width with a board/reed:** One can also reduce the **width** of a ditch – **with a board or reed that one laid along the length of the entire ditch** – a board or stick that goes the entire length of the ditch, makes it less than 4 tefachim wide, and then they make one eruv.

Halacha – Reducing a Partition with Something Movable on Shabbos

Rambam: One can reduce a partition (for example a tree of ten tefachim) by placing a board or vessel – **with anything movable on Shabbos** (a vessel whose primary use is for permitted purposes, like a cup/bowl). But only if the thing is **connected to the ground a connection that it's possible to remove it only by digging with a spade** – i.e., so well connected that one needs a shovel to remove it (which is a labor of plowing/building/demolishing), then it counts as reduction.

Explanation

Something movable on Shabbos can reduce only when it's strongly connected. Muktzeh (something not movable on Shabbos, like a piece of wood or a brick) – because one won't remove it on Shabbos, it counts as reduction even without connection to the ground.

Insights

The distinction between something movable on Shabbos and something not movable: with something movable on Shabbos there is a concern that one will remove it and the partition will return, therefore one needs connection to the ground. With muktzeh machmas gufo (not just a vessel whose primary use is for forbidden purposes, but truly muktzeh) – because one won't remove it, it counts even without connection.

Halacha – A Board Four Tefachim Wide Over a Ditch (Bridge)

Rambam: When there is a ditch between two courtyards, and one places a **board whose width is four tefachim** across — this functions like a bridge, and then **they make one eruv, if they wish they make two.**

Explanation

This is the third case by a ditch: (1) good partition = must make two eruvim; (2) weak partition = must make one eruv; (3) partition with passage (bridge) = if they wish.

Insights

The measure of a bridge is width of four tefachim — as with walls, that people can walk on it. This is parallel to the law of a wall with a ladder — both create a passage that makes "if they wish."

Systematic Summary: Three Structures — Wall, Ditch, Window

All three structures (window, wall, ditch) have three cases:

1. **Good partition/separation** = must make two eruvim (wall of ten, ditch of ten, window that is not valid).
2. **Weak partition** = must make one eruv (wall less than ten, ditch less than ten).
3. **Partition with passage** (ladder, bridge, valid window) = **if they wish they make one, if they wish they make two.**

Halacha – Balconies Opposite Each Other

Rambam: Balconies opposite each other — if there is in it a board whose width is four tefachim or more, they make one eruv, and if they wish they make two. But if they were one above the other: if there are between them less than three tefachim — they are like one balcony (they must make one eruv). If there are between them three or more — they make eruv, this one for itself and that one for itself (unless they make a bridge).

Insights

With less than three tefachim lavud applies — it's like one balcony, one cannot say it's two separate ones, therefore they must make one eruv.

Halacha – Width of the Wall: To Whom Does the Wall Belong

Rambam: A wall between two courtyards that is wide, and it was ten tefachim high from this courtyard and level with the ground of the second courtyard — we give its width to the residents of the courtyard that is level. Since its use is comfortable for these and its use is difficult for those — we give it to those whose use of it is comfortable.

Explanation

With a wide wall between two courtyards on a hilly place — from one side it's ten tefachim high (hard to use), from the other side level (easy to use). The principle: we give it to the one who can use it comfortably.

Insights

1. The wall is a reshus hayachid in itself (wide 4 and high 10), but this is not a problem — because if it belongs to one courtyard, the residents of that courtyard work for the wall through their eruv. It's not an extra area, but a part of their domain.

2. This is not just a law of Shabbos — also on weekdays one needs to know to whom the wall belongs (Choshen Mishpat laws), who can plant, etc. But regarding the laws of Shabbos the principle is: comfortable use determines.

Halacha – And Similarly a Ditch

Rambam: And similarly a ditch between two courtyards that is ten tefachim deep from the side of this courtyard but level with the ground of the second courtyard — we give its width to the courtyard that is level, because its use is comfortable for this one and difficult for that one.

Explanation

The same law as with a wall — the ditch belongs to the one who can use it comfortably.

Halacha – When Neither Can Use Comfortably

Rambam: If the wall between two courtyards was lower than the upper courtyard and higher than the lower courtyard — that the residents of the upper one use it by lowering down, and the residents of the lower one use it by throwing up — both are forbidden, until both make one eruv together. But if they didn't make eruv, they may not bring in from this wall to the houses and may not take out from the houses to this wall.

Explanation

When both courtyards can only use the wall with difficulty (one by lowering down, the other by throwing up) — neither gets it, and both are forbidden until they make one eruv together.

Insights

The wall becomes a **third reshus hayachid** — it's wide 4 and high 10, thus a reshus hayachid in itself, but without eruv with any courtyard. This is like a courtyard between two houses where one didn't make any eruv chatzeiros — one may not carry there or from there.

Halacha – A Ruin Between Two Houses

Rambam: Two houses on two sides of a ruin, reshus hayachid — between two houses is a ruin which is a reshus hayachid. Three cases:

1. **If both of them can use the ruin by throwing** (both only by throwing) — **they are forbidden to each other, they forbid each other** until they make an eruv.
2. **If its use for this one is comfortable, and the other cannot use except by throwing** — the one who can use comfortably gets the ruin.
3. [Implicit: if both comfortably — if they wish.]

Insights

Lechem Mishneh: "By throwing" doesn't necessarily mean throwing — it means simply an inconvenient way to use. The Lechem Mishneh asks: by a ruin, why would one specifically

throw, one can enter? Answer: it's talking about a difference in height — one must go down deeper, therefore it's not comfortable.

Halacha – Roofs, Enclosures, Alleyways, Walls — All One Domain

Rambam: All the roofs of the city, even though they are this one high and that one low, and similarly all the enclosures that were enclosed not for dwelling that are not enclosed more than a beis sa'asayim, and similarly the thickness of the walls between the courtyards — if the alleyway has a lechi or beam, all of them are one domain, and one may carry in all of them without eruv vessels that rested in them, but not vessels that rested in the house.

Explanation

From Torah law every place surrounded by partitions is a reshus hayachid and one may carry. The Rabbis forbade carrying from reshus hayachid to reshus hayachid without eruv. But in certain places — roofs, enclosures (that were enclosed not for dwelling and are not more than a beis sa'asayim), thickness of walls, and alleyways with lechi or beam — the Sages did not forbid. One may carry from one to another without eruv, but only vessels that rested there on Shabbos (not vessels that come from a house).

Insights

1. Foundation of the law — the Sages' decree relates mainly to houses: The entire decree of eruv is primarily on houses. Places that are surrounded by partitions but not dwelling places — like roofs (the roof of a house, which one uses but doesn't live there), enclosures not enclosed for dwelling, thickness of walls, alleyways — the Sages did not decree. This means, all places that are not a house are called relative to each other "one domain" and one may carry between them.

2. The distinction between vessels that rested in them and vessels that rested in a house: The main innovation is that only vessels that rested on Shabbos in the roofs/enclosures/alleyways may one move from one to another. Vessels that come from a house — even if one already carried them out to a courtyard — one may not further move to another courtyard, roof, wall, or enclosure, unless all the people of that place made one eruv.

Halacha – How So: Example of Carrying Through Roofs and Courtyards

Rambam: **How so? Vessels that rested in the courtyard, whether the residents of the courtyard made eruv or didn't make eruv, it's permitted to bring them up from the courtyard to the roof or to the top of the wall, and from the roof to another roof adjacent to it even if it's higher than it at all, and from the one roof to the second courtyard, and from

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the one roof to the second courtyard, and from the second courtyard to a third roof... until one passes it through the entire city through roofs.

Explanation

One can carry a vessel that was in a courtyard throughout the entire city — through roofs, courtyards, enclosures, alleyways, walls — as long as one doesn't enter a house.

Insights

Dispute of Rishonim regarding a vessel that rested in a house with eruv: If there is an eruv between a house and its courtyard, may one then take a vessel from the house through the courtyard and further move it to other enclosures/roofs? **Rashi** says one may not — specifically vessels that were initially in a courtyard (not in a house) may one further move. **According to the Rambam** there is an opinion (as some Acharonim say) that if there is an eruv between house and courtyard, the vessel becomes as if it rested in the courtyard, and one may further move it. The Acharonim note that this doesn't agree with Rashi's opinion.

Halacha – A Vessel That Rested in a House and Went Out to the Courtyard

Rambam: And similarly if the vessel rested in a house and went out to the courtyard, one may not pass it to another courtyard or to another roof or to the top of the wall or to an enclosure, unless all the people of that place from which this vessel is taken out made one eruv.

Explanation

A vessel that rested on Shabbos in a house, even if one carried it out to a courtyard, one may not further move it to another courtyard/roof/wall/enclosure, unless all the people of the place made one eruv.

Insights

This is a review of the foundation: the source of the vessel (house) determines its law. Even if it already went out to a courtyard, it remains with the status of "vessel that rested in a house" and one may not further move it without eruv.

Halacha – A Well Between Two Courtyards: Partition

Rambam: A well between two courtyards, one may not draw from it on Shabbos unless one made for it a partition ten tefachim high... If one made it above the water — it needs one tefach that enters into the water. If one made the entire partition in the water — two tefachim of it need to go out above so that there will be a recognizable sign of domain for this one and domain for that one.

Explanation

A well between two courtyards without eruv — one may not draw water unless one makes a partition of 10 tefachim in the middle of the well, in order to divide the water between the two domains.

Insights

Laws of a suspended partition by water: If the partition is higher than the water, at least one tefach must stick into the water — it must truly separate in the water itself, not just look like a partition. If the partition is entirely in the water, two tefachim must stick out from above — so that there will be a

recognizable sign, that one should see that here is a division between the two domains.

Halacha – A Beam Over the Opening of the Well

Rambam: And similarly if one made over the opening of the well a beam four tefachim wide, this one draws from the side of the beam and that one draws from its other side, and it's as if it separates this part from that part. Even though the water is mixed below, it's a leniency that the Sages were lenient with water.

Explanation

Instead of a partition inside, one can place a beam of 4 tefachim wide on the opening of the well, and each one draws from his side. The beam serves as a sign/separation.

Insights

Special leniency by water: Even though from below the water is mixed (mixed below), the Sages were lenient by water because people need to drink on Shabbos. Therefore a beam above is enough as a recognizable sign, even without an actual partition in the water.

Halacha – A Well Within a Path Between Two Courtyard Walls

Rambam: A well within a path between two courtyard walls, even if it's not separated from this wall four tefachim and from that wall four tefachim, both of them draw from it and don't need a recognizable sign.

Explanation

When a well is in a path (way) between two walls of two courtyards — even if it's close to both walls (less than 4 tefachim from each wall) — one doesn't need any partition or recognizable sign, and both may draw.

Insights

Distinction from a well between two courtyards: The path between the two walls is a separate place — it's not part of any courtyard. Because no one will carry from there, and it's a place in itself between two domains, one doesn't need any partition or recognizable sign. This is different from a well between two courtyards which is truly in the middle of the shared wall.

[Digression: Through the air] When two courtyards use a path only through the airspace (through the air) — for example, each one draws water from a well through his window — one doesn't need to make ledges, because "they forbid each other through the air." An eruv is only necessary when both use the ground of the domain. When one uses only the airspace, it's not considered like partnership in the domain.

Halacha – A Small Courtyard That Was Breached in Its Entirety to a Large Courtyard

Rambam: A small courtyard that was breached in its entirety to a large courtyard — the large one makes eruv for themselves, and the small one is forbidden until they make eruv with the residents of the large one. For the residents of the large one are considered in the small one, but the residents of the small one are not considered in the large one.

Explanation

When a small courtyard's wall to a large courtyard was breached (from Erev Shabbos), the residents of the large courtyard can make an eruv for themselves alone, but the residents of the small courtyard must be me'arev with the large one — they cannot make an eruv for themselves alone.

Insights

1. **A breach less than ten:** The entire case speaks when the breach is less than ten amos, because a large breach would be a problem of partitions in general.

2. **Why can the large one make an eruv alone?** Because the large one still has its own walls (partitions) — from their perspective there are walls around their courtyard. The small one's partition that was breached doesn't affect their structure.

3. **Why can't the small one make an eruv alone?** Because the small one no longer has any wall between itself and the large one — its area is entirely open to the large one, and it has no way to carry in its own area without the large one's participation.

4. **Difficult language — "residents of the large one are considered in the small one":** The reason of "consideration" is hard to understand. The Rambam gives two reasons: (1) the large one has an opening, (2) residents of the large one are considered in the small one — this means, the large one "lives" also in the small one (because the small one is nullified to the large one), but not vice versa. All the commentators also had difficulty with this reason — "the trouble of many is half a comfort, the comfort of fools."

5. **Nullification of the small one:** The approach is that the small one is nullified to the large one. The large one's residents are considered as if they live also in the small one, but the small one's residents are not considered as if they live in the large one. Consequently the large one can rely on the partitions of the small one (the other walls that are not breached), but the small one cannot.

Halacha – If It Was Permitted Part of Shabbos It Was Permitted All of It

Rambam: Two courtyards that made eruv together through an opening or window, and the opening or window was closed on Shabbos — each one is permitted for itself, since it was permitted part of Shabbos it was permitted all of it. And similarly if they made eruv, this one for itself and that one for itself, and the wall between them fell on Shabbos — these carry for themselves and those carry for themselves until the base of the partition, since it was permitted part of Shabbos it was permitted all of it.

Explanation

When two courtyards made an eruv together through an opening/window, and in the middle of Shabbos the opening/window is blocked — each courtyard remains permitted for itself. When two courtyards made separate eruv and in the middle of Shabbos the wall between them falls — each courtyard remains permitted for itself until the place of the old partition.

Insights

1. **Principle: If it was permitted part of Shabbos it was permitted all of it:** This is a fundamental principle — when the eruv was valid at the beginning of Shabbos, it remains

valid for the entire Shabbos, even if the reality changes in the middle.

2. Virtual partition: By the wall falling on Shabbos, one may carry "until the base of the partition" — this means, until the place where the partition was, as if it still stands. This is an innovation — a virtual partition that no longer exists physically.

3. Residents added on Shabbos: Even when new residents come in the middle of Shabbos (through the fact that the wall fell), it doesn't interfere — **for residents who come on Shabbos do not forbid.** This is a second reason (not just if it was permitted part of it): new people who come on Shabbos don't invalidate the eruv.

Halacha – It Was Closed and Opened Inadvertently, or by a Non-Jew

Rambam: It was closed and opened inadvertently, or a non-Jew did it on their behalf — one returns to carrying.

Explanation

When the window/opening was closed and then reopened inadvertently, or a non-Jew opened it (on his own initiative, not at the command of a Jew), one may again carry between the two courtyards.

Insights

"On their behalf" — the non-Jew's initiative: It must be "on the non-Jews' behalf" (on the non-Jew's own initiative), because if a non-Jew does a labor for a Jew on Shabbos it's forbidden. Only when the non-Jew does it for himself is it permitted.

Halacha – Two Ships

Rambam: Two ships or two courtyards this one beside that one that made eruv — and they were separated, it's forbidden to carry from this one to that one, even if a partition was made... It returned and was tied inadvertently — it returns and is permitted, they are permitted.

Explanation

Two ships that are tied one to the other are like two courtyards — one can make one eruv. If they are torn apart in the middle of Shabbos, one may not carry between them (even with a partition), but each ship for itself remains permitted. If they are tied again inadvertently — one may again carry between them.

Insights

1. Ships = courtyards: This is an innovation that two ships that are tied have the status of two courtyards, and one can make one eruv.

2. Even if a partition was made: Even if there is a partition between the two ships, because they are two separate domains, it interferes — one may not carry between them without an eruv.

3. It returned and was tied inadvertently: The same principle as with a window — if it's reconnected inadvertently, it returns and is permitted (becomes permitted again), because if it was permitted part of Shabbos it was permitted all of it.

4. Question on the Rambam: Why does the Rambam mention the law of ships specifically by the question of separation (when the tie is cut)? The Rambam could have brought ships by many other laws — for example, the basic law that ships need to be tied in order to make eruv, and many more laws that relate to ships. Why is it mentioned only in this context? The question remains open.

Conclusion of Chapter 3 of the Laws of Eruvin

Chapter 3 of the Laws of Eruvin in the Rambam is completed. The chapter addressed the laws of two adjacent courtyards — how one can unite them (through a window, ladder, platform, ledge, bridge, breach), when one must make two eruvim, when one must make one, and when it's optional. Additionally we learned laws of to whom a wall/ditch belongs (comfortable use), laws of roofs/enclosures/alleyways (one domain), laws of a well between two courtyards, laws of a small courtyard that was breached to a large one, the principle of if it was permitted part of Shabbos it was permitted all of it, and laws of ships.

Full Transcript

Laws of Eruvin Chapter 3 – Division and Separation of Courtyards

Introduction to the Chapter

Speaker 1:

A good one, we are learning the holy Rambam, Laws of Eruvin, Chapter 3. And this shiur was donated by the righteous Rabbi, R' Yoel Weissberger, may he be healthy, for the elevation of the soul of the righteous Rabbi R' Yoel ben R' Yitzchak z"l, and all other Jews who listen, and also the Jews who don't listen and do anyway in the name of all Israel. We have seen that all Jews learn the entire Torah.

Just as there is one loaf for everyone, very good. One can participate, one can merit. We have learned, the people who make such a Yom HaShas, each one learns one page, and it's said that all the Jews have collectively learned Shas. So with us, each one learns, I say a lesson, and in total there is the mitzvah of Talmud Torah, but there is indeed a collective

mitzvah of Talmud Torah, just like the reading of the Torah, yes, it's a mitzvah upon the community. Each one learns a little, and it's said that collectively the Jews have learned the entire Torah. Beautiful. Simply one knows "one candle for one, one candle for a hundred," here we see that also a loaf can be "one loaf for one, one loaf for a hundred," each one can eat from it. Baruch Hashem. Tremendous.

Topic of the Chapter: Two Adjacent Courtyards

So, we have learned that there is something called eruv chatzeiros, yes, the last two chapters mainly about eruv chatzeiros. The entire chapter, I mean, it's not about mevo'os anymore, the whole thing is actually the same thing. We learned in the previous chapter the division. In one courtyard there is an obligation that one must make an eruv, if more than two people live in one courtyard, they need to make an eruv so they can carry.

Now a new question arises. What if there are two courtyards? It's actually, one could really say start from the beginning and

ask what makes one courtyard? Because everyone understands that two courtyards that are far from each other cannot make an eruv with a loaf, because it's not one domain. Now, but it's not only that, not only that there must be some wall that goes around the two courtyards, because then one needs to make shitufei mevo'os, but now we're not talking about that, we're talking about eruv chatzeiros literally. We need to know how much can become one courtyard, so that one can make one eruv. Let's say there are two courtyards, one next to the other, and there is between them a door, a passageway, a wall, a window. We will see all these types of how one can cross over. We need to know, perhaps it can be called one courtyard. So that's the question, more or less the entire chapter talks about this question, not about one courtyard. In one courtyard one can always make an eruv, one must make an eruv. The question is whether one can make one eruv for two courtyards, or what distinguishes between a place that is questionable whether it's called one courtyard or it's called two courtyards, how does one determine what is what.

I'm not sure if there is a case of a doubt. It's always clear that it's actually two courtyards, that is the architect said we're making two courtyards here. But they are two courtyards adjacent to each other. There is a law that sometimes when two courtyards that one can use, one can go through from one to the other through whatever the means are, one can make it like one courtyard, but it's not literally one courtyard. If it's literally one courtyard, then...

Isn't there the opposite, that when it's one courtyard but there is between them just some large mound or what? There is this law. Ah, could be, very good, the opposite. One can divide one courtyard, or one can combine two courtyards into one. But the point is still that it's a question of how one combines two courtyards, or how one makes one courtyard into two. I don't remember if in this chapter it says about one courtyard that gets divided. There is somewhere a... There is something between the walls that later we will see, partitions between two. I think that in this chapter it says only... I haven't seen clearly, but I think that in this chapter it says only about one courtyard, that two courtyards that are adjacent.

The Three Situations

So basically it's like this, one needs to know that there are three states, three situations, three laws that can come out in such a case. What are they?

One case: It's said let's say the Sages understand that this is completely two courtyards. Ah, you have some way to travel, I don't know, some way to travel from one to the other, right? Then the question doesn't begin. I mean, what is the point of the eruv? It must be that always there is some way that one can get from one to the other, or send things from one to the other at least. So, if all this, and the Sages say that this is called two courtyards, therefore one cannot make one eruv between them, right? There is no way.

Perhaps one needs to understand, perhaps he can make a shituf? Why can't he make a shituf mevo'os or something? Shituf mevo'os is only after it's been said that from the Torah one may, it's also not a karmelis or what. But what is the thing? That people should think that one is coming from a private domain to a public domain. But ah, it doesn't look like, when the courtyard is not shared, right? When the courtyard is not shared, you will perhaps need to take out a shituf, when it's not really shared, it won't help. The bread won't help,

because the bread is when the courtyard is one. Now the question is still before the bread, but is the courtyard not one?

Yes, yes, wait. Because there is also an external prohibition, meaning when one doesn't carry through a karmelis, there is also some prohibition of carrying from one courtyard to another. And the solution of the bread only helps when it's actually one courtyard. Right, it remains forbidden, there remains some stringency still. Aha. And one cannot divide the mevo'os. Okay.

There is this one situation which is forbidden, meaning one can make, each one can make an eruv for themselves, but there is no way to make an eruv for both at once. There is no way, because it's not one courtyard, it must be one courtyard.

The second case can be what one must make both together, the opposite. Meaning, it's called completely one courtyard, therefore, as we learned in the previous chapter, there is no half eruv, right? The moment there is one person in this courtyard who is not me'arev, no one may carry, or what we learned in the previous chapter, therefore one must make one eruv. That's the second case.

In the middle there is a middle case, a situation which depends on what they want. If one can make one eruv, but one doesn't have to. One can make one eruv and one can make two separate eruvim, according to how one wants to conduct oneself. If one wants to carry, one will make one complete eruv. If one doesn't want to, one will make two separate eruvim. These are the three types of situations that exist, and one must see according to each situation, according to each case, which of the three it is. That's what most of the chapter talks about this investigation.

Additional Questions in the Chapter

Afterwards there can be a second investigation in such a type of case. We will see at the end of the chapter, in the law, I think from law 16 perhaps, yes, approximately there. A new question begins, and one will ask what if there is some space between the two courtyards, because that's when the whole question begins whether it connects and so forth. But now the question is, the space to whom does it belong? There is in the Mishnah a case where both become together, it becomes both together. But if only one of them can make an eruv, the question will be which one can be me'arev, to whom belongs the middle "no man's land" in between, to whom belongs this piece? Whether it belongs to this one? This is a continuation of the question, because the whole question begins that there is some space in between, so the question is what is the law of that space.

It could be that both should be able, it could be that only one side should be able. Yes? One must see, yes, you see, he doesn't remember. If on one side, for him this is an easy use. Right, right. Usually I think that only here one needs to see what are the laws of that one. And that's all.

And the last part of the chapter talks about another question of what is the law if it changed in the middle of Shabbos. Those who have learned the whole time need to know, a partition that was made on Shabbos, what if on Shabbos two courtyards met together and the like. I think more or less that's the sum total of the entire chapter. If we see inside something else we'll see, but more or less that's the topic. There are very many distinctions of laws according to what is the thing that connects the two courtyards together. Until here introduction to Chapter 3. Yes? Yes. So very good.

Law 1: A Window Between Two Courtyards

So we're going to learn first about a window, afterwards about a wall, afterwards about other things, etc., very many details. What should I read? Chaim, the people want to hear "speak your servant for I am listening." Hello, it's not God yet. Okay, umm... Window. Okay, first we're going to learn about a chalon, a window.

Between two courtyards, section 1, there is a window, between the two courtyards there is a window. You need to know that the window connects the two courtyards. So, basically, the answer is there that it depends if the window is four tefachim by four tefachim, and it's close to the ground, it's within ten. If it's four by four tefachim, then it means that it's a large window, and it's not high in the air, one doesn't need to crawl somewhere to get to it, then it can connect. Therefore it means that it's a good place where they both carry, right? Because it becomes, if it's very convenient and it's the right place where both people use it, it becomes a shared space. We're not talking about one domain, we're talking about two domains, but now through the window it's pleasant that one carries over the cholent there every Shabbos.

Language of the Rambam

So, **if it has four tefachim by four tefachim or more than that**, like the second conditions, **it was close to the ground within ten tefachim**, it's near the earth, not that one needs to crawl on a ladder to get to the window, or does it need specifically literally the entire within ten tefachim, **even if all of it is above ten and part of it is within ten, or all of it is within ten and part of it is above ten**, all of it apparently means most of it, right? I can't understand all of it and part of it. So, that means even if it's not, it only begins within ten tefachim, then what is the law? Then it will become the middle case that we learned, then they can make one eruv. That is a window, even a large window and a low window, not so much that it becomes completely one courtyard that one would have to make one eruv, but it's enough, yes, because it's still two courtyards, but it's enough that if the people from both courtyards, they are in peace and tranquility, and they want to make one eruv, they can.

As **"if the residents of the two courtyards want to make an eruv all of them one eruv, the authority is in their hands, and one doesn't go out from courtyard to courtyard except through the window between them, and there is no learning for this one and for that one. And if they want,"** but they want the opposite, **"they make two eruvin, these for themselves and these for themselves."** This is when the window is large enough and low enough.

But if it's the opposite, **the window was less than four**, it's too small, less than four tefachim, **or it was all of it above ten**, it's too high, even if it is yes four tefachim, then **"they make two eruvin, these for themselves and these for themselves,"** because their window is not useful, it's not large enough or too high that one could use it normally on Shabbos. Therefore they need to make two eruvin. Yes?

Certainly. An important distinction we still said, that the distinction, that is, we learned earlier that there is a large window... Wait, wait, I just want to clarify where I am here. That is, there is, he begins the chapter he talks about two courtyards, and between the courtyards is the question whether one can together connect the two courtyards and

make them like one, like a public domain, or a private domain. Okay. In short, and between this one wants to connect the two courtyards, right?

But it can still be actually the same case two houses, meaning, there is no courtyard, but two houses that want to make an eruv between themselves, true? When there are just two houses that they want to use the window between them, use to make that the house should become like a courtyard, an eruv chatzeiros between them, then also a window helps, but then one doesn't need so much the conditions to have.

Why not? It seems because to make two houses one is easier than making two courtyards one. It makes sense, two courtyards are indeed completely separated, it's further. Two houses are indeed automatically closer, they are two houses in the same courtyard, or next he will say, in the same house, two apartments one next to the other. Okay, very good.

The Rambam says the conditions that a window must have the two conditions of four tefachim and of less than ten, is specifically in a window between two courtyards. But between two houses, even if it is above ten, it doesn't say even if it is less than four by four, it must yes be four by four. Yes, he says explicitly, and its measure, that is the point is that it can be higher.

A Window Between a House and an Upper Story

It seems, okay, one needs to understand something the below ten situation, is a thing that one never understands so well. What is the concept of below ten? And a public domain is indeed the law of in general, meaning not high in a public domain. But in a private domain he can give a jump up. I don't know, I think a connection, because a private domain goes up, and a public domain is not a courtyard wall, not a public domain, it's also a private domain technically. Anyway.

And so a window between a house and an upper story, the same thing, a person has two floors and in between there is a window. Interesting. That means not an upper story that we have that has stairs, but a window that one needs to give a jump up with a ladder. But even if it's one by one, and there doesn't lie there a ladder, and one jumps up. I don't know how one gets to the upper story, perhaps from outside.

And then also a window is enough, even if it is above ten, which through the upper story is enough that he can make like one, one eruv. But the condition of ten goes away, the condition of four by four doesn't go away, **and its measure is four by four.**

Shituf Mevo'os

I see here he brings below my question that I asked earlier about if there is a shituf mevo'os. Indeed if so, if both courtyards are part of one mavo'i in the larger one, and they made a shituf mevo'os, one doesn't need to get to this that the two courtyards are one. The whole question doesn't exist.

We're talking here the whole time like this, we're talking here in a manner when not. We're talking here the whole time in a manner when there isn't anything better. This is the only way to appear, there is an advice. If one can make a mavo'i, it must be a mavo'i which is some larger partition that takes around the two. They are not... It appears like this.

Okay. Until here law 4.

Law 5 – A Round Window

Now we have learned that there is a measure of four by four, one needs to know that the measure is not necessarily it must be square, what can be round, a round window. And one is not comfortable that within within, what this means is that one can, he says that it must be a bit larger, meaning it's not a square space, one can't calculate the space. But the corner, as we learned earlier that the corner is a lot by the techum Shabbos, it becomes opposite, it's slightly larger from outside.

Anyway, it must fit in there a thing which is within within, and then come over. That is, it doesn't have to be the size, but it must yes be a hole which is within within somewhere in between the. So understand here the commentators, because you could think that the within within means something else, but so it comes out.

Discussion: Eruv Chatzeiros in an Apartment Building

Lecture on Laws of Eruv - Part 2

This is explained in the Mishnah, it's actually interesting, people wouldn't have thought that in a reshut hayachid (private domain), that is, if it's an apartment building, one needs to rely on the eruv of the city, because even in a reshut hayachid, carrying in a reshut hayachid from one reshut hayachid to another, is not a reshut hayachid, since you have the courtyard.

Yes, because here you have bayit ve'aliyah (a house with an upper story), it's very interesting, you explained the wording, but a person would have thought, what does it mean, in the house one may not carry, it's the same building, yes, it's one building, but it's two floors, and it's considered like a courtyard which is two reshuyot hayachid.

We explained several times before, that if one lives in an apartment building, one may not carry from one apartment to another except with an eruv chatzeirot (courtyard eruv).

Speaker 2: Ah, you have exactly in the same house.

Speaker 1: Okay, I'm saying the bayit ve'aliyah, the picture is like this, one residence on two apartments, and it doesn't mean one apartment.

Speaker 2: Certainly, we're talking about two apartments, but not two floors.

Speaker 1: Certainly, one must make an eruv chatzeirot. This is a halacha. Yes.

Okay, so until now we have learned what is a chalon (window), what a window does. The bottom line is, that a window if it's between two courtyards must have a measurement and a height, if it's between two houses it only needs a measurement and no height. Until now.

Discussion: The Reason for the Decree by Bayit Ve'aliyah

Speaker 2: I'm stuck with this, because I'm saying that it's a bit of a greater chiddush (novelty) in a house, because there isn't really the concern that it looks like one is carrying in a reshut harabim (public domain), rather from the fact that it's shared space. A person wouldn't have thought, but nevertheless, it's still a foundation in the same category.

In practice it's called a shared space, we say that's the concern. No one goes into the... because I'm saying carrying between one courtyard and another goes through the place where both can be. That will be the concern here. The whole thing, the rabbinic prohibition, is because one will think that one may carry from a reshut hayachid to a reshut harabim. Why? Because regarding the two houses, the courtyard is considered

a reshut harabim. The shared space is considered a reshut harabim. Yes, that's how we understood it, right?

In a courtyard there are two houses, and the children don't see a difference between this or that place. A child sees that there where both may go is a domain of the public. He will come to carry in a reshut harabim. Here you see that even when there isn't really that concern, here no one will think, this won't look like a reshut harabim, it's from one floor to another. But once it enters into a law that it's a shared space, there is still the concern.

Speaker 1: I think you're always too stuck on reasons. It's not even a shared space. From reshut hayachid to reshut hayachid directly one also may not without an eruv chatzeirot.

Speaker 2: Right, but it all stems from that concern, but the Sages didn't make... We say that yes, in short. Do you understand what I'm saying that it's not the same concern.

Speaker 1: Yes, but you're very worried about the reasons that the Rabbis said. We say the reason in the beginning, and afterwards we continue and we say the laws. When one will start all the time to search for reasons...

Speaker 2: Yes, but here is a chiddush. I'm saying that here is perhaps a chiddush, yes. Again, here is a chiddush. It's a chiddush, we haven't yet had such a thing of bayit bebayit (house within house). We did have, we stood in chapter one, between one reshut hayachid and another reshut hayachid one may not carry.

Speaker 1: Right, but we spoke the whole time about a courtyard. In a house, to carry from downstairs up, is a greater chiddush, because it appears even further than the concern that the Rabbis said. But nevertheless this is the halacha, because the halacha remained that between every two reshuyot hayachid there must be an eruv chatzeirot.

Speaker 2: No, the problem is that it's divided in dwelling, it's two different people.

Speaker 1: Yes yes, that's what he says. "Neighbors are forbidden from carrying in a reshut hayachid that has division in dwelling." It has nothing to do with a courtyard.

Speaker 2: I understand, but a courtyard is... It says that initially we're talking about a courtyard. "Every reshut hayachid that is divided in dwellings."

Speaker 1: No, but when the language says yes, "Just as they make eruv in courtyards, so they make eruv in courtyards to make them one courtyard." No, because he wants to say that the decree is also that the courtyard becomes like a reshut harabim. But reshut hayachid, reshut hayachid is not one reshut hayachid, this is the same prohibition, because it's two different reshuyot hayachid. Yes? The decree went until there.

Speaker 2: Okay, no problem.

Halacha 6 — A Wall Between Two Courtyards

Now we will learn how to divide a courtyard. Okay.

So until now we have learned laws of chalon, how windows work. Now we're going to learn laws of kotel (wall), how a wall between the two courtyards connects them or doesn't connect them. And in this there are very many more details.

So like this, "**A wall between two courtyards, or a partition between two courtyards**". A partition is perhaps a fence or perhaps a hedge, I don't know exactly. In short, a wall, no difference what it's made of. Perhaps a

partition is not a fixed wall, I don't know what the difference is exactly. But something between the two courtyards.

So, there are three cases we learned before. There's a way that one must make one eruv, there's a way that one cannot make one eruv, and there's a way that one can make one eruv. So, it depends on two other things. First of all on the height of the wall, and secondly, on the question whether there is a ladder between them, even if it is high.

Less Than Ten Tefachim

Let's see. If it's "**less than ten tefachim**", it's a very small wall, it's not ten tefachim high, then there's no way to make two eruvin. "**They make one eruv together and they don't make two.**"

Why? Because this is not a wall. This is, you can say, here it's considered exactly like one courtyard. A whole two courtyards, what does two courtyards mean? What are two courtyards practically? But there's only a small wall between them, a wall less than ten tefachim, then the Sages say that you must make one eruv.

Ten Tefachim

If it has a high wall, a ten tefachim high wall, as high as an Israelite going out, etc. Then on the contrary, then the Sages say "**they make two eruvin, these for themselves and these for themselves**", one cannot make one eruv, because these are two courtyards, a wall of ten tefachim, like the law of a partition always, ten tefachim makes a partition.

Halacha 7: A Ladder on This Side and a Ladder on That Side

Rabbi Yitzchak:

And what is this? "**If there was between them a ladder on this side and a ladder on that side**", if between... that is, on the wall there is from both sides a stairway, yes, sulam means stairway or a ladder, there's no difference. It's a ladder that lies there that one can climb up and go down, so that people walk between one courtyard and another through the sulam.

Then it's considered as if the sulam makes it like an opening, that is, if there's an opening, the question begins, it will be able to be made apparently, if they want... one doesn't have to perhaps, but if they want one may, we have an opening. An opening can have exactly like one courtyard, okay.

It doesn't say, did we learn yesterday that an opening makes it one courtyard? I don't think so, I think that an opening also makes the "if they want." But if it's a sulam, it's called an opening, and therefore, if they want they can make one eruv, if they want they can say, "we pass through here," so it's called one courtyard.

Leniencies in the Laws of Sulam

Now, the sulam has several leniencies. What kind of sulam? You would have thought that the sulam must be completely connected, or one must be able to go up immediately, the halacha says, no, even a "**sulam zakuf hasamuch lakotel**" (**upright ladder adjacent to the wall**).

That is, usually to go up on a ladder it must be slanted, one places it slanted and can climb up. The ladder lies there like storage, when one wants to climb up one pulls it out, even if the ladder stands upright, "**that one cannot go up on it until one pulls and distances its bottom from the wall**", one must pull it out a bit in order to be able to go up,

"**this is permitted**", because the whole ladder lies there, specifically so that one should be able to do this.

And perhaps you think that the ladder must reach all the way to the top of the wall, as if it nullifies the wall, he says no, even "**if the top of the ladder doesn't reach the top of the wall, if there remains from the building less than three**", there is a law of lavud (considered connected), "**this is permitted**", it permits the wall, they make one eruv if they want. Well, good. This is the law of a sulam.

Discussion: What Does "Zakuf Lakotel" Mean?

Now one needs to know more details about this sulam. Why? Because sometimes the two ladders, yes, are far from each other. It's a very wide wall between them. So as if, I don't know exactly what one needs to understand here. Actually it needs to be close. I don't understand what the halacha says clearly.

That is, when there's a wide wall, then obviously it doesn't go easily across from one side to another, because one will still need to climb on the wall to go from one side ladder to the other side ladder.

Av Beit Din:

Say it, say it, say it.

Rabbi Yitzchak:

So there's a... say it.

Av Beit Din:

So now, I didn't understand the topic. The topic is like this: If there is... before we learned a sulam that permits, is it a sulam, two ladders that should lie one opposite the other. Here there's a sulam, here, immediately it comes over the roof, one climbs down from the second sulam, yes? Then it's clearly permitting.

Now a new question begins: What if the ladders from both sides are not aligned opposite each other? This is the subject of the next halacha. That is, one sulam is there, and afterwards one needs to go climb on top of the wall in order to reach the next sulam. Then, what is the halacha? Does this mean there's a sulam?

Halacha 8: A Wide Wall with Ladders

The answer is like this: It depends if one can easily climb on the wall. If "**the wall was very wide, and he made a ladder on this side and a ladder on that side**", it's a wide wall, it's wide four tefachim, so a person can walk on it, then, even "**if the ladders are distant from each other**", even if one ladder is in the north and one ladder is in the south, "**if they want they make one eruv**", still the law that it's like an opening that if one wants one can make one eruv.

Why? Because it's easy to walk, Rabbi.

Av Beit Din:

Ah, because it's a wide place, so he goes up with the ladder, he walks on the wall, and he goes to the other side. It's a wall that's made to walk across on.

Rabbi Yitzchak:

But "**if there isn't in the width of the wall**" much, one cannot walk, then what does it help me that I have two ladders? I can't use it. Then it must be close. "**if there isn't between the ladders three**", but close, like we're accustomed almost in all the Torah, that one can consider it, close means three tefachim. Less than three tefachim is not a separation. Therefore, "**if there isn't between the ladders**"

three, they make one eruv", that is they can make one eruv. **"If there are three, they make two"**. It depends if it's close enough.

Discussion: Built Steps Versus Movable Ladders

We're talking here presumably about ladders that one cannot move, because if one can move them we learned before that even when it's zakuf lakotel. We're talking here when they're built steps. Because if one can move it, if it lies by the wall, already, one can move it, therefore it's a step.

Av Beit Din:

No, no, because if one can move it it only means that one doesn't need to give it more than a bit over and out. It doesn't say that if a ladder stands on the other side of the wall one can bring it here. There's no ladder.

Rabbi Yitzchak:

Ah, zakuf lakotel means that it lies somewhere like next to a sulam?

Av Beit Din:

No, when a person can go and bring it. No, it lies next to the place.

Rabbi Yitzchak:

No, no. Zakuf means exactly that it stands right next to it, there was a measurement of how close. Zakuf lakotel, that it stands pushed against the wall. The problem is only that it's not slanted. It doesn't say that it's on the wrong wall.

Av Beit Din:

Ah, I thought that if one leaves lying there ready a sulam.

Rabbi Yitzchak:

No, no, no. It means on the contrary, that there is, now there isn't a sulam. Both ladders lie right there, one places it for storage, one has brought it in, I don't know what, one didn't have space, let's say. But I know already, if there's simply a sulam somewhere, there's always somewhere a sulam that one can climb.

Av Beit Din:

I don't know already, not always. You'll say... okay.

Halacha 9: Placing a Platform Upon a Platform Next to the Wall

Rabbi Yitzchak:

Let's go learn about a platform first. Before we... now we will learn further laws of sulam basically, right? The way is there's a wall, is there a way to climb over the wall? So like this, uh, not "I am sorry," "not really."

Now one learns laws of ten tefachim, right? We learned that a wall, in order for it to be called a separation, must be ten tefachim, right? What if one made next to the wall a little step, a little platform is there, which makes it easier to go up from both sides, it makes it revealed like the wall is lower. One built around the wall such things, it comes out that the wall is not so high, one can give it a climb over, or in short, it's not called a partition. We need to know if it can help.

"One builds a platform upon a platform next to the wall", yes, one built more than one platform, that is two little steps let's say, or two, it doesn't mean exactly little steps, he's going to say "steps of stones." The difference is perhaps whether it's built of stone or of earth. It's built like steps next

to the wall, and one wants to use this so it should become less than ten tefachim.

So like this, **"if there is in the lower one four"**, if the lowest step has four by four tefachim, right? Then **"it reduces"**, then it means that one begins to count the ten tefachim from above.

But **"if there isn't in the lower one"**, even, and this is certain, if it's four tefachim, it's called like a domain by itself, it makes the partition lower. Even **"if there isn't in the lower one four"**, but **"and there isn't between it and the upper one three"**, there isn't between the lower step and the higher step three tefachim, that is like lavud, and together they are four tefachim.

Discussion: How Two Platforms Work Together

I don't understand how they work, how the second is higher, is wider? I don't know exactly.

Av Beit Din:

Ah, it could be they don't lie exactly one opposite the other, it's like from above, together, yes, they lie at an angle, one sticks out more to the side, one to the side, together they are like this, they take down from the size of the wall.

Rabbi Yitzchak:

As long as it's in total and it's not lavud, it's still it becomes it becomes reduced, **"and if they want to make one eruv"**, still the law is and the wall **"if they want they make one eruv"**, yes?

Discussion: "If They Want" by Platform Versus Wall Less Than Ten

"If they want they make one eruv" we learned, just to check, a wall that is less than ten tefachim one must make one eruv, and here it's not exactly like a wall, it's called different, it's not called exactly a wall of ten tefachim, it's called more like a sulam, this is my doubt whether the law is the same.

Av Beit Din:

Perhaps not the stringency of a sulam.

Rabbi Yitzchak:

No, the stringency of a wall less than ten tefachim.

Av Beit Din:

But you also see here that it's better than a sulam, yes? Because...

Rabbi Yitzchak:

It's the same.

Av Beit Din:

No, because the sulam had to reach until lavud close to the top of the sulam.

Rabbi Yitzchak:

True, true.

Av Beit Din:

This is much less.

Rabbi Yitzchak:

True, true, true, because it's convenient to stand on it, it works as if from this the ceiling of the wall, the same law is if one places a step of wood, still, it must be four tefachim, or if it's a valid four tefachim, now it's called one reduces and one can make one eruv between both.

Introduction to Laws of Ziz

Now one needs to learn, further, one sees here a contained drama, yes? Two people, they said we're good friends, afterwards they become enemies, one puts up a wall, afterwards they make up, one adds something a ziz (ledge), one adds something a ladder, we have ups and downs here.

Av Beit Din:

They want, today they're friends, they want to make it one domain.

Rabbi Yitzchak:

Two feuding brothers-in-law are...

Av Beit Din:

A courtyards, you understand already, the whole courtyards are here.

Rabbi Yitzchak:

What is the law of the ziz? We're going to learn something a law of a ziz, something that makes that one should still use the wall from both sides.

Av Beit Din:

It brings it yes more that it should become like one domain, it should be easier to make it like one domain, yes?

Rabbi Yitzchak:

Not easier to make, easier to cross over.

Av Beit Din:

To cross over, but this isn't something that one climbs on, one only uses it.

Rabbi Yitzchak:

No no, one does climb yes.

Av Beit Din:

Ah. One does climb yes.

R' Yitzchak:

A sweet ledge, and later we will learn about such a type of minute. In the halacha one climbs up. One continues speaking about the laws of a ladder basically, how one can make a way over the two walls, over the two walls, with a little ladder tool. So,

A High Wall with a Ledge in the Middle

Speaker 1: Not easier to make, easier to cross over. But this isn't something one climbs on, right? One just uses it.

Speaker 2: No, no, one does climb.

Speaker 1: Ah. One does climb.

So that's the halacha, and later we will learn about such things that one uses. Meanwhile one still climbs. We're still speaking about the laws of a ladder, basically, how one can make a way over the two walls, over the two walls, with a little ladder.

So, **a high wall between two courtyards**. There is a wall that is high, it's not less than ten, so one cannot say that it's too low. It's a high wall between two courtyards. Yes. But, **and a ledge protrudes in its middle**, in the middle of the wall there is a little landing, a protrusion, that comes out like a step, it sticks out on the side of the wall. It's more than a step, yes? Something on which one can stand more comfortably. Because otherwise it's not more than a ladder. Something more, a more permanent thing on which one can stand. We're not yet talking here about the size. It's something, a little ledge. Yes.

And now, so, **if there remains from the ledge to the top of the wall less than ten**. If from the ledge to the head of the wall, the ledge is also a way how one reduces the wall, that's the trick. The ledge says that one can give a climb up onto the ledge, and afterwards one still needs from the ledge upward to be ten tefachim. So **if there remains from the ledge to the top of the wall less than ten, then one places a ladder before the ledge**. So, normally the ladder must go the whole way. But here you say thus, I have a ledge, until the ledge there is a ladder, after the ledge is less than ten tefachim, therefore further, I can cross over easily, **and they make one eruv if they wish**. Right?

But if one places the ladder to the side of the ledge, if the ladder is not on top, right by the ledge, but on the side, so that one can perhaps climb up, **it is not effective**, it doesn't help, because it must be that the ladder comes to the ledge, and afterwards from the ledge one gives a jump over, because it's less than ten tefachim with the ascent on a ledge.

A Wall of Nineteen Tefachim – One Ledge Without a Ladder

Now one way of using a ledge, one way of helping with a ledge, is that from the ledge to the top is less than ten tefachim, therefore one climbs up with a ladder onto the ledge, and from there onward it becomes one domain. Now there is another way of using a ledge without a ladder. It can be thus, **if there was a wall nineteen tefachim high**, there is a wall that is only nineteen tefachim, the entire height is nineteen tefachim. So, what does he do? **He extends one ledge in its middle**, and it comes out, one can divide the wall as if between nine and a half, nine and a half tefachim. He puts in a ledge, he sticks out as if a protrusion, a stone, whatever, from the middle, **and then they make one eruv from here and from here**, why? Rashi writes, **from this side to that side is less than ten**, but it doesn't need a ladder. Earlier regarding the wall we spoke that until the ledge is ten tefachim, a high wall, so in order to overcome the first ten tefachim he needs a ladder. But here there isn't even ten tefachim, one can give as it were a jump up onto the ledge, and afterwards from the ledge to the top of the wall is also less than ten. That means, it's only like two walls. The ledge divides the wall into two nine and a half tefachim. Two walls that divide into two domains. Exactly. And this is when the entire wall is less than twenty tefachim, so when it's divided it becomes less than ten.

A Wall of Twenty Tefachim – Two Ledges

But not only that, one can even use a ledge to divide a larger wall. But what must one do? One must use two ledges. **If the wall was twenty tefachim high**, yes, twenty tefachim, that means one cannot divide it, because the sides will all be ten tefachim on each level, which is too large. One can do thus, **one needs two ledges not opposite each other**. One places two ledges, not one on top of the other, because then one cannot properly climb. But one places them like steps, like one makes like in the... You know how one climbs trees? One makes such ledges. Yes, so one, one can climb thus with two feet. One places the **two ledges not opposite each other**, ah, **so that between the lower ledge and the ground is less than ten**, from below there is less than ten, **and between the upper one and the top of the wall is less than ten**, but between the two there are a few tefachim, but one can climb easily from one to the other. Certainly, this is all

about how to make a way over the wall, which then is enough one eruv, that means one can make one eruv.

Let's go learn further what else, like communities, let's say, or private residents in the ladder or in the way that one goes out. And see that the main point is to be able to understand the point of all these laws, that one can easily, people, perhaps not an old Jew, but a young man, a bachur, can give a climb over and grab hold by the ledges and the like.

A Date Palm Instead of a Ladder

So let's go learn other methods that one can. Yes, **a date palm that one cut and leaned on the top of the wall and on the ground**, one placed a date palm. What does the date palm help? The date palm makes it so one should be able to climb on it. One cut a date palm and one places it, one takes the wood, between the top of the wall and the ground, and that which one can use it. Like there is such a ladder, such a ladder. Yes, I don't exactly understand, another thing that can nullify the wall.

In short, **they make one eruv if they wish**. If one wants, one can make one eruv. One stands and asks, it's not exactly a ladder, a date palm is just a piece of wood. It turns out that perhaps with a date palm one can grab hold more easily, it's easier, more comfortable to walk on it, it's long and slanted, it's not like a narrow ladder. Okay.

So then further one can make one eruv if one wants, **and one needs to fix it**. The novelty is, one doesn't have to be fixed with the date palm. It's enough that a date palm lies there, and then it means further that one can make one eruv. **And so too a ladder**, even a ladder, further, **its heaviness fixes it**. The weight of the ladder means that it's fixed. That means, one doesn't have to connect the boards, that means the ladder does need to be fixed, but since a ladder is a heavy thing, yes, it means that it's enough, it stays there, it won't fly away.

Discussion: Why Does a Ladder Need Permanence But a Ledge Doesn't?

Speaker 2: Here one sees that you're right, that it must actually lie there, not something one can move around.

Speaker 1: You see "its heaviness fixes it", it's actually it lies there. Yes, I actually don't understand why, we'll see. Here one sees that it stood earlier, and that it's upright means that there is actually the weight of heaviness, but still it's upright. It means less comfortable to walk up on the wall, but there must be the permanence.

It's interesting, why by the ledge is it enough that one can give a jump up and walk up, and by the ladder one makes stringencies? I haven't understood it so well. You would have thought that one needs to connect it with the wall, but at least that should be. And why is there a ledge which is much less comfortable than a ladder is already enough?

Speaker 2: Okay, it's built. Yes, but it's built in.

Speaker 1: It's hard what can change a person. It can change the private domain to a public domain. Okay.

Then he says further what anything. The second ledge, even if one removes only one ledge, it becomes a public domain, out of a private domain.

Reeds – A Weak Partition

On the contrary, reeds. So this is when there is a ladder that goes on a wall that one can climb over. It happens that a person doesn't have a proper wall, he only has a weak wall,

reeds, something different from boards, so it seems, it's not the same, it's a weak thing. Reed stalks, in other words, a house of two courtyards, and there is a ladder, it doesn't help. **They don't make one eruv together**. Why? **Because the power of the foot cannot ascend on a ladder because he has nothing on which to lean**. A person cannot climb on reeds, he will fall down.

So, it seems that it was a common thing to hold reeds between the places for animals. He says, if it's a hard thing, it's boards that one somehow connected, it has the same law as a wall. But if it's such a mushy thing, soft, the ladder doesn't help, because one cannot go up on it, because it's a great failure.

Discussion: Why Place a Ladder on Reeds?

Speaker 2: What I don't understand, if it's reeds, one can simply walk through.

Speaker 1: It must be that it's a gate. But the gate was also, on the boards stood ten tefachim. Ten tefachim is quite high. You're going to be very modest there, you're going to climb up there. It's a gate, it's made so one shouldn't cross over. In short, one doesn't cross over.

Speaker 2: Hey, but you placed a...

Speaker 1: Because a ladder doesn't help. Why did he place a ladder? There's no point to the ladder, one can't do anything with it. But the children had trouble, or he wants to make it into a private domain, he thinks he'll place a ladder and it will help. He says that it doesn't help, because the ladder only helps when it's practically actually easy to cross over.

Speaker 2: Yes, he places a roof, and... how does it go? He places a roof?

Speaker 1: He places a ladder. But it doesn't help. It doesn't help, because one cannot climb, he says.

A Ladder in the Middle with Reeds on Both Sides

If there was a ladder... But the opposite, yes. Oh, again, if there was a ladder in the middle and reeds from here and from here, if however the ladder lies yes stable, it's not that after going on the ladder you'll have to climb on straw, but on the contrary, once you're on the ladder you're on the other side, then **if they wish they make two eruvs**, it's an interesting language, I should have said "if they wish they make one eruv", because two, the point is one can go both ways. Further, ah, then one can yes go on the ladder, the reeds don't bother me, on the contrary, what did we just say, that means, ah, perhaps he says, it means the opposite, on the one hand the reeds do mean a partition, one can say that it makes two, but one won't say that it makes two, since there is a ladder, one can cross over, the reeds are a weak partition, and there is a ladder, I know if the ladder nullifies the reeds, do you understand what I'm saying? It's not a ladder that goes over the reeds, the reeds are before the ladder, but since the reeds are a weak partition, one can call...

If one wants one can... I mean the word here is that on the ladder one will be able to simply go up to the top of the ladder and climb over and cross, one will be able to. Unlike on a wall one cannot, one needs to have two ladders from both sides, but once it's reeds, one will only climb a bit on the reeds, and one goes up on it and comes back down. One cannot climb when the ladder leans on it, but it seems that... one needs to know here the exact... No, one cannot climb, **because he has nothing on which to lean**.

In short, if one has found a way to make the ladder... I don't understand. Normally the problem is that he doesn't have what the ladder should lie on, because you're going to lean the ladder on the reeds, it's not serious, because it will give a push, the ladder will fall down. But if you have yes managed to make a ladder and it holds firm between the two sides of the reeds, one can go up.

Beginning of New Topic – A Ladder That One May Not Use

Now we're going to learn about the ladder that we make, whether it must actually be permitted to cross over. Just as in all laws when we learn that one must do something, there always becomes a question, what is if one can do something practically, but the halacha doesn't allow it, the Torah doesn't allow it. One must always know what is the halacha about this. So one must know, if one has made a ladder that the halacha doesn't allow, the Torah doesn't allow crossing over, whether this is called a ladder.

He says, the answer is that it depends whether it's a Torah prohibition or a Rabbinic one. If it's a Rabbinic prohibition, then it's called a kosher ladder. Why? Perhaps because eruv chatzeiros is Rabbinic, and the Rabbis are lenient on such a thing. Just as we had regarding which bread is kosher, there was also a Torah and Rabbinic distinction. One won't be able to actually cross over, but it will mean that one can cross over. But if it's a Torah prohibition, then it means that it's not connected.

A Tree Next to the Wall

He says thus, **if there was a tree next to the wall**, which is adjacent to the wall, one took a tree, a living tree, yes, and one connected the tree, one climbs up on a tree, a tree has branches, one can climb up. And then, if most make one eruv, one can make one eruv. Why? **Since it is a shevus prohibition that they decreed not to climb on a tree**, we have learned that one may not use a tree on Shabbos, but this is only a shevus, shevus doesn't bother us.

He says, it could be that this is a good explanation, that it goes out on Friday evening during twilight, when then we may indeed if it's only Rabbinic, then Friday evening twilight establishes. It's not necessarily because Friday evening twilight is relevant by the doorway, but when one saw that by the courtyard, even if it falls apart on Shabbos, it's not necessarily the twilight. But... No, I mean I understand, because it's Rabbinic. Yes, it doesn't bother because not Rabbinic, one doesn't make any... That means that it's not connected. It is yes connected. Ah, you're saying that it is yes connected. The explanation is that it's not disconnected, that means that one can go.

An Ashera Next to the Wall

But **it is forbidden to lean a ladder on the wall**, a person will hold an ashera, a tree, one may not at all have an ashera tree in a courtyard. But here there was an ashera tree which is according to the law of the tree, yes, which we learned in... ashera in the Torah, and carries idolatry.

Speaker 2:

Right.

Speaker 1:

So, ah... ah, how does it go? And then one makes one eruv, that means outside the Land, according to the Torah that Rashi forbade in benefit, one sees that in general benefit prohibition

is to climb on an ashera tree, that means climbing on an ashera tree.

And yes, it's obvious, it means benefit from the tree, just like use of a tree on Shabbos, and therefore, it's... it's Rabbinic... then... so don't do, that means it's one courtyard, until one makes two eruvs.

Speaker 2:

Okay.

A Wall That Is Ten High — Reducing the Wall

Speaker 1:

Now one can further learn about the wall, that means, if one has learned that it must be ten tefachim, how one wants to make it smaller, then we will be able to make one eruv.

Speaker 2:

One can make one eruv.

Speaker 1:

Yes, one can make one eruv. One makes a wall smaller than ten.

Speaker 2:

Again?

Speaker 1:

Yes, one makes the wall smaller than ten, yes.

Speaker 2:

Aha.

Speaker 1:

So, **a wall that is ten high and one comes to reduce it**, that means he wants to make it smaller, he wants it less than ten. So the answer is that one can, but how much must one reduce? That means the entire, the entire wall to shave off? The answer is no, **if there is in its length a reduction of four tefachim, they make one eruv**, that means as long as there are four tefachim where there it is less than four - than ten tefachim, we can already make one eruv, apparently because one can cross over there, it's like an opening.

Discussion: Demolishing Part of the Wall

Another... now there is a question thus, one is going to learn, one spoke about the next thing that we... that we learn is... that... ah, that in its length reduction means... no, it's four tefachim of the wall, right?

Speaker 2:

Right.

Speaker 1:

The next question is, one is going to learn soon, that the wall itself is always a question of which courtyard it belongs to.

Speaker 2:

Ah.

Speaker 1:

So, **demolishing part of the wall is now permitted**, that means he is now breaking only a part of the wall, **or in part of the thickness of the wall**, I don't know what... what's wrong?

Speaker 2:

No, not clear, what does it help then?

Speaker 1:

I don't hold with the reasoning. He says thus, namely, "**the shorter side takes half the side**", the smaller one that has become less will belong to the courtyard there where it's smaller. I understand, but why must one say thus? What does it help?

Speaker 2:

Translation

Because from that side it's easy to go up there, it doesn't hold from the other side.

Speaker 1:

I understand, but why? It doesn't help. If one only reduced a part of the thickness of the wall (ovi hakostel), there is still a wall of ten tefachim, it doesn't help you at all.

Speaker 2:

No, but from one side, there where one tore down, one can now easily go up. It becomes at least like it is. He can easily go up to the top of the wall, because there one removed it.

Speaker 1:

I hear. He didn't say "some of the thickness of the wall (miktzas ovi hakostel)". It's very strange when the Gemara says things and one must insert other words in order to understand every point. I'm never happy with such things.

He says "**the short side takes half a side (tzad hakatzar notel chatzi tzad)**". Where it is... I don't understand why one must come to this. Where it's low, it belongs to where it's low, because one can use it. **The rest of the high wall (she'ar hakostel hagavo'ah)**... I don't understand why one came to the thickness of the wall. Do you understand what I'm asking you? It's not the same thing. But he made four tefachim, so there where it is so, it belongs to the courtyard where it's low. The question is the wall...

Speaker 2:

But he broke the whole thing, so it's the same for both sides. What does "its ends and partitions of the wall (ketzosav umechitzosav shel kostel)" mean? It's not the question of how near the wall one may, it's the question of this domain (reshus) or that domain. So one must find a way that for one domain no change happened, one side no change happened, but one side a change happened. That's what he wants to say here, that for one side there's now a smaller wall, because one can easily go up.

Speaker 1:

I hear. So "**and the rest of the high wall between the two courtyards (ushe'ar hakostel hagavo'ah bein shnei hachatzerot)**", is between both. Okay.

A Breach in a Wall (Pirtzah Bakostel)

Speaker 1:

What happened if there was a breach in the wall? Right? Go. So essentially the law of a breach in every partition (mechitzah), **if there was a breach up to ten amos (im haysah pirtzah ad eser amos)**, up to ten amos, one can make two eruvin. What does two eruvin mean? Perhaps even a doorway (pesach). You see here, a doorway is a law that one can, it's the middle case. If it's **more than ten (yoser me'eser)**, a breach more than ten is not a doorway, it means no wall. Then **they make one eruv (me'arvin eruv echad)**, as if one courtyard had two places that don't normally have a wall, because it nullifies the wall.

And how does one reduce the breach? **One makes a breach less than ten (oseh pirtzah pachot me'eser), Rebbi says he completed it to more than ten (Rebbi omer hishlimah leyoser me'eser)**, he wants to complete the breach so it should be more than ten and one should have to make one eruv, so **he carved in the wall a height of ten tefachim, they make one eruv (chakak bakostel govah asarah tefachim, me'arvin eruv echad)**. He only needs ten tefachim, that means there can remain from above or from below, for example from above there can remain part of the wall, but as long as it has ten tefachim that's breached, then it means it's breached (nifrotz), and one must make one eruv.

But that's only when there's already a breach, there's already a breach, he just wants to make it bigger so it should be called completely one domain. What if he wants from the outset to **breach more than ten from corner to corner (porotz yoser me'eser mikeran लेकर)**? He wants from the outset, then **the height of the breach must be above (tzarich liheyos govah hapirtzah lema'alah)**, then it's not enough that it's only ten tefachim, he must completely destroy the entire wall up to the top.

Speaker 2:

Okay.

Summary: Laws of Walls and Windows

Speaker 1:

Until here we learned laws of walls. We've already learned laws of windows, and laws of walls, and all kinds of ways how one can cross a wall, a ladder (sulam), a platform (matzevah), a tree, etc. etc., or make smaller than ten tefachim. That's basically the three ways how one can eliminate a wall, and that's what we've learned until now.

A Trench Between Two Courtyards (Charitz Shebein Shtei Chatzerot)

Speaker 1:

Now we're going to learn, just as we learn in all the laws of Shabbos, that there's when one makes a domain that goes up, that's like a wall, and there's a domain that goes down, that's a hole, a valley, like a trench (charitz). Yes, it's such a difficult name for all valleys and for all trenches. Let's learn about a trench that's between two courtyards, whether it divides them, and which of the three cases, of the three laws, this is.

So, **a trench between two courtyards (charitz shebein shtei chatzerot)**, a hole between two courtyards, so, it depends, just like all laws of domains, how big the hole is. If it's **deep ten and wide four or more (amok asarah verachav arba'ah o yoser)**, yes? It's deep ten tefachim and it's wide four tefachim or more than that, then it's called a domain in itself (reshus bifnei atzmo), and then it divides, **they make two eruvin (me'arvin shnei eruvin)**, one must make two eruvin, right? **Less than this (pachot mikan)**, if it's less than that, one must make one eruv, **they make one and don't make two (me'arvin echad ve'ein me'arvin shnayim)**.

Reducing the Trench

Now, the trench, what if one wants to make the trench smaller so one can make one eruv? It depends what one does it with. **And if he reduced its depth with earth or pebbles (ve'im mi'et omko be'afar o vetzeruros)**, he puts in sand or little stones, then **they make one and don't make two (me'arvin echad ve'ein me'arvin shnayim)**. Why?

Because ordinary earth and pebbles in the trench are nullified (shestam afar utzeruros shebacharitz mevutalin hen). When a person throws in little stones or sand into a trench, it truly becomes nullified (batel). Therefore it made the trench smaller, yes? Therefore one must make one eruv, because it's no longer a partition, there's nothing in between.

But if he filled it with straw or hay (aval im milo seben o kash), if he puts in straw - straw (teven) is part of the straw, hay (kash) is the other type - then **they don't reduce unless he nullifies (ein mema'atin ad sheyevatel),** then he must directly say **I hereby nullify the straw (hareini mevatal es hateven),** because straw can be that it lies in the hole, and he'll eat it, and it will remain with a hole. Okay, I mean that's already a technical question. The point is, that ordinarily a person doesn't nullify the straw to the hole, so there's a hole of ten tefachim, right?

How else can one reduce? The previous problem that the hay will be so floppy and one will slip isn't here, yes, because it fills a hole. Yes, yes, that's only a problem when one wants to place a ladder. But by the ladder was that topic, right?

And likewise (vechen), the same thing, **if he reduced its width (im mi'et rochbo),** that means, one can also not only reduce the height, throw into the hole little stones or straw, he can reduce the width. **If he reduced its width with a board or a reed that he placed lengthwise along the entire trench (im mi'et rochbo beluach o bekane shehishito be'orech kol hacharitz),** he placed a piece of wood, a board (luach), a plank, **or with a reed (o bekane),** a stick, **lengthwise along the entire trench (be'orech kol hacharitz),** the whole thing, then further **they make one and don't make two (me'arvin echad ve'ein me'arvin shnayim),** because it became less than four tefachim wide.

An Object That Can Be Moved on Shabbos (Davar Hanital BeShabbos)

Now, do you want to know, with what can one reduce this, right? That means, if one will be able to remove it - he places a board, or a table, or whatever, one can remove it on Shabbos - then in the middle of removing it it becomes again a partition. **With any object that can be moved on Shabbos (bechol davar hanital beShabbos),** it was a basket (sal), a basket for a bowl (sefel), the thing that touches a bowl. Not a bench (safsol), a bench is a... a bowl (sefel) is a...

Laws of Reducing a Partition - With Any Object That Can Be Moved on Shabbos

Now, do you want to know, with what can one reduce this? Right? That means, if one will be able to remove it, he places a board or a table or whatever, one can remove it on Shabbos, and with removing it there will again be a partition, **with any object that can be moved on Shabbos (bechol davar hanital beShabbos).** It was a basket, what is that, a bowl (sefel)? You want to say a bowl? Not a bench. A bowl is a bowl. Ah, some vessel, ah, that is movable on Shabbos, that they learned in the light objects whose work is permitted (devorim hakalim shemelachtam leheter).

Once one reduces with a tree, one may not reduce with it, that means, it doesn't count. **Unless he attached it to the ground with an attachment that's possible to remove until he digs with a spade (ela im ken chibrah la'aretz chibur she'efshar leshamto ad sheyachpor bedeker).**

If one connects it so well, that one must dig a hole with a... with a spade (deker), a spade is a shovel. If one must dig a hole with a shovel, because that will be a labor of plowing (choresh), of building (boneh) or demolishing (soter) or plowing, then it's called attached (mechubar), then it is indeed a reduction in this. Yes.

Discussion: An Object That Cannot Be Moved

And an object that cannot be moved (davar she'eino nital), what's the difference here? Because it's movable, therefore one may only if it's attached because one will remove it. But if one places muktzeh because one won't remove it, does it count as good? Ah no, muktzeh would be like an object that's not a vessel for example, right? Something that is... that one cannot at all, not a vessel whose work is permitted (kli shemelachto leheter), but muktzeh because of itself (muktzeh machmas gufo), whatever. A piece of wood, we learned, a salted thing that is... one may not move it, and he won't remove it on Shabbos. That's about this, because it's still part of the days now.

Law 14: A Board Over a Trench - Third Case

I mean, what if... what are we learning now? Ah, a new thing. That means, there's a hole, and he wants to make such a bridge over it. So, that's a board. So then it's similar to the law of the wall with the ladder. That means, there's a... then comes in the third case. That until now we learned that if it's ten by ten (asarah al asarah), then one must make two but one doesn't have to make one. And now one can learn a way that's called like a doorway, that there is indeed a partition, there is indeed a divider between the two domains, but one can cross over.

It's not a board that's four wide and on its width four (**luach sherocheiv arba'ah ve'al rochbo arba'ah**), he also places here a width of four, but he places a wide board, one can walk across, just as we learned by the walls, a width of four which means that people can walk on it. So this is like a bridge over the hole, **they make one if they want they make two (me'arvin echad im ratzu me'arvin shnayim).** Then goes a case that one can, if one wants one can count it as one, and if not, it's not.

Laws of Balconies (Gezuztraos)

The same thing is the law of a bridge is not only when there's a hole, but even in general, any time one makes a bridge. It says **like balconies (kegezuztraos),** that means porches, yes? We'll still learn later in Shabbos the language, other balconies, gezuztraos, whatever, in short a porch, **one opposite the other (zo keneged zo),** so if there is in it a board four tefachim wide or more, **they make one eruv, and if they want they make two, this one for itself and this one for itself (im yesh bah luach sherachav arba'ah tefachim o yoser, me'arvin eruv echad, ve'im ratzu me'arvin shnayim, zeh le'atzmo vezeh le'atzmo).** Right? Yes.

But by a balcony one must know that it's called from the outset two porches, then begins the case that one can make what one wants. But **if one was above the other one level, or one above the other, one higher than its companion (hayu zo lema'alah mizo achas bashaveh, o zo lema'alah mizo, achas gevohah mechavartah),** that means even if it's so, **if there is between them less than three tefachim, they are like one balcony (im yesh beneihen pachot misheloshah tefachim, harei hen kegezuztra**

achas). Then if it's less than three, you can't say it's at all other balconies, it's at all the same, then they must make one eruv. But **if there is between them three or more, they make this one for itself and this one for itself (im yesh beneihen sheloshah o yoser, me'arvin zeh le'atzmo vevzeh le'atzmo)**, except if they make a bridge, yes? That's the law of...

Summary: Three Cases of Division of Domains

So until here essentially we learned laws of division of domains, how it gets divided. We learned about a window, and we learned about a wall, and we learned about a hole. All these things have more or less three cases. That means, not all, a window... that means, all have the three, it depends on other things.

For example, a good window makes a unification, if they want (im ratzu), it depends if they want. And if not, one is stuck and makes two eruvin. A wall, a good wall makes that one must, but if there's a way, yes, a good wall makes that one must divide, if it's not a good wall means, how does it mean, then one must make one eruv, but if there's a wall that there's a way across, then one can do what one wants. And the same thing a trench, a good trench makes that one must make two, a weak trench makes that one must make one, and a trench with a bridge or two porches with a bridge, then means what one wants. Until here are the laws.

Law 15: Width of the Wall - To Whom Does the Wall Belong

Now we're going to learn what is the law of the width of the wall. Right? To whom belongs the top of the partition? Right? Not from above, if it's two courtyards, who will be able to use the wall, the surface of the wall itself? So. Yes, right? Yes.

A wall between two courtyards that is wide, and was ten tefachim high from this courtyard and level with the ground of the second courtyard (kostel shebein shtei chatzerot shehu rachav, vehayo gavo'ah asarah tefachim mechatzer zo veshaveh lekarke'a chatzer sheniyah). Let's think a second, the wall, even if it's a private domain in itself (reshus hayachid bifnei atzmo), that's not a problem, if it means it belongs to one courtyard, the residents of that courtyard will work for us, right? It doesn't stand to us that it's an extra area. The question is only to whom, yes, it's a private domain, it can't, for example, we're speaking in the case where one can't, where it's two courtyards, one can't make an eruv for both.

If one can make an eruv for both, there's no problem. If there are ladders for example, both will be able, because it's a private domain. Both will be able, and it's part of the whole big courtyard. But if it's not, then one must know to which courtyard it belongs. Right? Yes.

The Principle: Easy Use (Tashmish Benachas)

So, basically the answer is, whoever can use it more easily, that's the basic answer. So for example, the first case is, there's a wall between two courtyards, a wide wall that one can use, one can walk on it, but from one courtyard it's high, one must climb up more than ten tefachim, we learned that that means it's hard to climb up. But from the other courtyard it's level, that means the two courtyards lie on a hilly place, so on the other side one comes easier, so what the answer is, then it's simple, **they give its width to the residents of the courtyard that are level (nosnin rochbah livnei**

hechatzer sheshovlin), one gives the width to the courtyard where there isn't a way of ten tefachim to climb.

The Acharonim distinguished, **since its use is easy for these and its use is difficult for these (ho'il betashmisho benachas le'elu uvetashmisho bekoshi le'elu)**, it means one can use when it's ten tefachim, but it's a bit harder, it's less pleasant. So **they give it to those whose use of it is easy (nosnin oso le'elu shetashmisham bo benachas)**, one gives it to the one who is the user, he can use the width easily, it's pleasant for him.

And Likewise a Trench

The same thing is not only by a wall, but also by a trench, the same thing. **And likewise a trench between two courtyards (vechen charitz shebein shtei chatzerot)**, which is **deep ten tefachim from the side of this courtyard (amok asarah tefachim mitzad chatzer zo)**, but **level with the ground of the second courtyard (shaveh lekarke'a chatzer sheniyah)**, from the other side it's level. And further, **they give its width to the courtyard that is level, because its use is easy for this one and difficult for this one, they give it to those whose use of it is easy (nosnin rochbo lechatzer sheshovlin, lefi shetashmisho nachas lezeh vekoshi lezeh, nosnin oso le'elu shetashmisham bo benachas)**.

I mean that this is simply also so on weekdays, do you understand? Ah, someone must already fight. I mean there are the laws, there are the laws, I mean, in who can plant etc., such kinds of things. So those who are nearer, I mean you'll learn somewhere in the south, yes.

Now one speaks regarding the laws of Shabbos, but the simple meaning is it's also that, because those people can indeed be able to use on Shabbos. A whole year one must know what is the agreement between the two people. So the other, as you say, one must know in Choshen Mishpat what is the law.

Law 16: When No One Can Use Easily

Now so, there's however a third case. There's a way that no one can use it easily. Each one must exert himself a bit in order to use the width of the wall. Then what's the answer? So, then the answer is that no one can use it. One must make an extra eruv. That means, one only makes, they can still use it, but it's one courtyard that has one eruv.

If the wall between two courtyards was lower than the upper courtyard and higher than the lower courtyard (hayah hakostel shebein shtei chatzerot namuch min hechatzer ha'elyonah vegavo'ah min hechatzer hatachtonah), let's say, it means perhaps level, I don't know, but it's too low from the higher one and too high from the lower one. **The residents of the upper one use it by lowering (shevnei ha'elyonah mishtamshin bo al yedei hashalshul)**, they drag down things, they throw down by lowering or with a rope, I know, then they use it. **And the residents of the lower one use it by throwing (uvnei hatachtonah mishtamshin bo al yedei hazerikah)**, they must throw up things. Then **both are forbidden, or until both make one eruv (shneihen asurin, o ad sheye'arvu shteihen eruv echad)**. Both are forbidden until they make one eruv that includes both courtyards.

But if they didn't make an eruv, they don't bring in from this wall to the houses, and they don't take out from the houses to this wall (aval im lo eirvu, ein

machnisin mikostel zeh labatim, ve'ein motzi'in mibatim lekostel zeh), no one may use the domain. Why? Because this is a domain that's not this one's and not that one's.

Discussion: The Wall as a Third Private Domain

Further it means how one carries through it isn't a place that's a private domain? Yes? The wall doesn't mean its own private domain. It's a third private domain, or a third one. It's yes, it must be a wall, it must be a wall, not an exempt place (mekom patur). The wall is like a courtyard ten by four (chatzer dalet al asarah verachav arba'ah), and it's like another domain, there's no eruv with it. It's like a courtyard between two houses where one didn't make an eruv chatzerot. Another private domain that's not part of the private domain, another private domain that has no eruv with the other private domain, or with the other courtyard.

Law 17: A Ruin Between Two Houses (Churbah Tzvishn Tzvei Batim)

Translation

Now, the same law, this is actually a continuation of the previous question, which is if there isn't a wall but rather a ruin? We learned about a wall, we learned about a groove, and now we're learning about a ruin. **Two houses on both sides of a ruin, it's a reshut hayachid (private domain)**, between the two houses there is a ruin, no one lives there, and this is a reshut hayachid. Yes? Then it's further the same three cases basically, right? If there is one who has tashmisho benachat (comfortable use), it's his. If there isn't anyone who has tashmisho benachat, it's forbidden for both until they make an eruv between them.

If both of them can use the ruin through throwing, then they are forbidden to each other, they prohibit each other, because throwing doesn't mean tashmisho benachat, one must throw, so obviously they are forbidden until they make an eruv. **If one doesn't have tashmisho benachat, and the other can only use it through throwing from it**, that means, no one can use it except through throwing, because it's a ruin, and one can carry there.

Discussion: What Does "Through Throwing" Mean

Why should one carry? We don't understand exactly why one can't, why must one say throwing? Ah, he's asking the question, good question. Yes, it means to say one can use it, not necessarily through throwing, one doesn't ask necessarily through throwing. So says the Lechem Mishneh. Not a convenient way.

In short, if there is one who can use it benachat, but the other can only use it through throwing from it, for him it's harder, he must go down deeper, there's a difference in height. Then, the one who uses it shelo benachat (not comfortably) through throwing, it's like the law that the one who can use it benachat, the ruin belongs to him.

Okay, now until here basically are all the laws of a courtyard where between them is something that divides it, and we've also learned what is the law of the place that divides, if there's a way that it divides and there isn't an eruv v'ichud (combination and unification) for both of them, who can use the middle place.

Now we learn a new law. I didn't speak about this law in the introduction to the chapter, but it's actually a completely new law as it were, which is somewhat a continuation so they

placed it in this chapter, but it's a nice interesting thing. I want to try to think what it means.

What it means is, that we learn that a courtyard, from the Torah all reshuyot hayachid (private domains) are all, every one that is enclosed by a partition one may carry. The Rabbis forbade it in a courtyard, right? Or reshut hayachid to reshut hayachid, as we noted, it's actually not stated in the Torah, but we hold that it's forbidden.

But there are situations where the Sages didn't completely forbid it basically, that means even without an eruv. That means, there is a place that has a partition, it's even in a certain way owned by more than one person, but despite all this the Sages didn't forbid on the roofs and karpeifot (enclosures) that weren't enclosed for dwelling, they didn't forbid carrying inside. Yes? It's so.

All the roofs of the city, even though one is high and one is low, that means it's not one big partition, because one is higher and one is lower. **And similarly all the karpeifot that were enclosed not for dwelling, that aren't enclosed more than a beit sa'atayim (area of two se'ah)**, yes? A karpef we learned, if it's more than a beit sa'atayim it becomes like a karmelit, but if it's less, it's a place, a roof is also a place that's not for dwelling, one doesn't live there, one uses it but doesn't live there. And the same thing, **and similarly the thickness of the walls between the courtyards**, the thickness of the wall that we learned earlier, which doesn't belong to anyone.

If the mavoy (alleyway) has a lechi or korah (beam), always, every mavoy that has a lechi or korah, that means there isn't the rabbinic prohibition of carrying in a mavoy without a lechi or korah, but it doesn't have an eruv, **they are all one domain**. All these are called, that means relative to each other they're called one domain, **and one may carry in all of them without an eruv vessels that rested in them**. A vessel that was originally there erev Shabbat, it was there, one may move it from one karpef or one roof or one mavoy to another without an eruv.

But this is specifically vessels that rested in them, **but not vessels that rested in the house. Not vessels that rested in the house** one may not take out from there, because we said that the roofs with the houses are one courtyard. That means, in short, all places that are enclosed by a partition but not for dwelling, all are called like one dwelling, and one may carry from one to another, but only within the list of roofs and karpeifot.

Speaker 2: Roofs is yes an external dwelling.

Speaker 1: No, a roof is on top of the roof.

Speaker 2: Ah, below?

Speaker 1: Yes, now we're talking about above, on the roof. The roofs of dwellings, it actually belongs, each roof belongs to the person who lives below. But one doesn't use it. But it's an area that wasn't forbidden, on this one didn't forbid. It's not a place where one lives externally, it's a place that... yes.

Law 19: How So — Example of Carrying Through Roofs and Courtyards

Speaker 1: How so? The Rambam gives an example. **How so? Vessels that rested in the courtyard, whether the residents of the courtyard made an eruv or didn't make an eruv, even if they didn't make an eruv, it's permitted to bring them up from the courtyard to the**

roof or to the top of the wall, and from the roof to another roof adjacent to it even if it's higher than it at all, and from one roof to a second courtyard, and from the second courtyard to a third roof, and from the third courtyard to a third roof, and from the third roof to a mavoy, and from the mavoy to a fourth roof, until he passes it through the entire city through roofs.

As long as you don't go in, the point is, as long as you don't go into a house, which a house requires an eruv. A house without an eruv one may not carry to another place, even if it's enclosed by a partition with everything. But as long as you only go in courtyards and mavoyot and roofs and karpeifot, which can you carry? Only when a vessel that didn't come from a house.

Discussion: Dispute of Rishonim — Vessel That Rested in a House With an Eruv

Speaker 2: A Gemara, yes? One needs to know a Gemara.

Speaker 1: Okay, one needs another question, one needs to know a Gemara, if there is an eruv between that house and that courtyard. One needs to know, you understand, if there is yes an eruv, whether then one may from that courtyard use to move to the next courtyard.

Speaker 2: It was a place where it was already fit to be in the courtyard, because it's already the same thing.

Speaker 1: Again?

Speaker 2: No, it means like it was already in the courtyard, which is already fit to be in the courtyard.

Speaker 1: The commentators here don't know whether the Rambam means to say that if there is yes an eruv in the courtyard, then one may move from that house to the entire city as long as you go through a courtyard. It's not agreed upon in the law, so say the Acharonim. Rashi says certainly that one may not, that specifically one may only carry the vessel that was originally in a courtyard. But a vessel that was originally in a house, even if one may carry from that house to the courtyard, Rashi doesn't allow carrying through karpeifot. There are those who say that according to the Rambam one may yes, that therefore when the day became sanctified one may be lenient.

Anyway, this is the interesting law, that one can carry around in the entire city through roofs and courtyards, or roofs and karpeifot, or courtyards and karpeifot, or through all three, from this to that and from that to this. In short, all these things don't prevent, provided, but in a house one may not, **"provided that one doesn't bring from this vessel into a house from the houses unless all the people of that place made one eruv"**. To a house one may not enter except with an eruv, but without an eruv, courtyard and karpef, all these places that aren't a house. In short, the entire decree that we learned that one may not carry in a permitted place, is only by a house when it starts from a house. If it starts from a courtyard, then this is yes permitted, the decree wasn't made.

Law 20: Vessel That Rested in a House and Went Out to the Courtyard

Speaker 1: The Rambam says further, **"And similarly if the vessel rested in a house and went out to the courtyard, one may not pass it to another courtyard"**. Yes, we've already seen this same thing. That means, if the vessel was in the place that is forbidden in domain, that means

it rested in a house and courtyard. If the vessel rested in a house and one took it out to a courtyard, **"one may not pass it to another courtyard or to another roof or to the top of the wall or to a karpef, unless all the people of that place from which this vessel is taken out made one eruv"**. That means, this is actually the law that we learned earlier, even a place that is ostensibly still a reshut hayachid, one may not, only if there is an eruv with the people to whom the karpef belongs.

Until here are the laws of karpeifot, all these places that weren't decreed upon, were permitted with a bit to... yes, wonderful.

Law 21: Well Between Two Courtyards — Partition Ten Tefachim High

Speaker 1: Now one can learn it another way that one must make a partition, that means also relevant to the laws of an eruv, or the Mishnah about an eruv. We already learned in the laws of Shabbat about a well. A well that is outside, remember we learned that if it's outside, if it belongs to one courtyard we learned, actually in the laws of Shabbat we learned when a well that for some reason means it belongs only to one courtyard or to one house, one may carry if one makes certain corrections, a partition, or a ziz, all these things.

Now we learn when it's between two courtyards, there's no reason to think it belongs only to one courtyard, because rabbinically, since the same decree of eruv one may not carry. Therefore one must make, one must divide the well somehow so that each one should be from his courtyard, from his domain. Because if not, the one who takes out water, he has as it were carried from one domain to another. From one courtyard, yes, one courtyard to another.

A well between two courtyards, a well that is between two courtyards, right? And there isn't an eruv between the two courtyards, we learn then, **one may not draw from it on Shabbat unless they made for it a partition ten tefachim high**, one must make in the middle of the well a partition ten tefachim, **so that each and every one rises and uses**.

Even if both courtyards are completely, the well between two courtyards is literally in the middle of the wall between the two courtyards. But it's called a well, it's one whole thing. So when you go to take from the well, you also take part from the other thing. Although you take from your side, let's say, yes, but the water is one everywhere. So therefore one may not take from that well except if one makes a partition in the middle of the well.

And we learned this in the laws of Shabbat already about this suspended partition, that it must be a tefach extra. Yes, if one lifts up the partition, **if he made it above the water**, if he makes the partition higher than the water, then at least a tefach of it must stick into the water, so it should divide in the water itself. It's not enough that it looks like a partition, it must be truly a partition.

And conversely also the same thing, if he lifts it up higher than the water, a tefach must stick into the water, go down. **If he made the entire partition in the water**, if he makes it entirely in the water, then it must be noticeable, one should see it from outside. That means, the partition must be ten tefachim, it can be in the water, it can be higher than the water, but however it is, it must stick out. **If he made the**

entire partition in the water, two tefachim of it must protrude upward so that there should be recognition of a domain for this one and a domain for that one. This is one solution, one can make a partition.

Law 22: Beam on the Opening of the Well

Speaker 1: There are other solutions. Another solution, one can make a beam. **And similarly if he made on the opening of the well a beam four tefachim wide,** if on the opening of the well one places a beam that is four tefachim wide, one doesn't need any partition at all, then it's still permitted. **This one draws from the side of the beam and that one draws from its other side,** the beam is like a sign between the two courtyards, **and as if it separates this part from that part,** as if the beam is like a sign. **Even though the water is mixed below,** from below it's the same water, **it's a leniency that the Sages were lenient with water,** with water the Sages were lenient, because people need to drink water on Shabbat, they were lenient even with such a beam.

Law 23: Well in a Path Between Two Courtyard Walls

Speaker 1: Now we're going to learn a way that one doesn't need any partition or anything. **A well in a path between two courtyard walls,** there are yes two walls, but it's not in the middle of the two, there's a path in between, and in between there's a well. So **even if it's not separated from this wall four tefachim and from that wall four tefachim,** what does that mean? In the laws of Shabbat we learned, if it's close four tefachim it means it belongs to that one, and he can draw through a lechi with some recognition that he makes there. But if, even if it's farther, **both of them draw from it and don't need recognition,** they don't need to make any sign.

Discussion: Why Doesn't One Need Recognition by a Path

Speaker 2: Why? It means, we're talking about two, in practice there is some eruv, right? Not an eruv, there is a partition, right? It's not...

Speaker 1: No, it's two separate courtyards. Yes, but I'm saying that, um, is the path a reshut hayachid or what is it? It's a place between two reshut hayachid's, because no one will carry from there.

Small Courtyard That Was Breached Completely to a Large Courtyard

Speaker 1: But if even if it's farther, **both of them draw from it, and they don't need to extend zizin over it.** They don't need to make zizin. Why? Because you're talking here about two... in practice, there is some eruv, right? Not an eruv, there is a partition, right? It's two separate courtyards.

Speaker 2: Yes, but I'm saying that... is the path a reshut hayachid, or what is it?

Speaker 1: It's a place between two reshut hayachid's, because you won't be able to carry from there, because they are two separate courtyards. The problem is only the eruv, I'm saying, right? It's not the problem of an actual laws of Shabbat. It's only a problem... you're talking about a... there is a partition in the path. It could be that it's a reshut hayachid, but it's from one reshut hayachid to the other. The point is only the eruv. **Both of them draw, and they don't need to extend zizin over it.** They don't need to make zizin, which they would have needed if it's a reshut hakarmelit or something like that. Why? **Because they prohibit each**

other through the air. Since they don't use the path except from the air, each one extends his bucket from his window and draws from the well, that doesn't mean they both use it. It means through the air they use it. Therefore it doesn't prohibit them. Prohibiting each other means the eruv of today. An eruv is only when both use the ground area, the ground of the domain. If they only use the air, it doesn't prevent, and therefore one doesn't need to do anything.

Speaker 2: Yes?

Speaker 1: Yes.

Moving to Cases of Breached and Fallen Wall

Speaker 1: Okay. Now we're going to talk about all kinds of cases where something broke, and one needs to know what to do. What separated between the two courtyards broke.

Speaker 2: Yes.

Speaker 1: Or on Shabbat, or erev Shabbat, what one needs to learn.

Speaker 2: Yes good.

Law 24: Small Courtyard That Was Breached to a Large One Erev Shabbat

Speaker 1: **A small courtyard that was breached completely to a large courtyard,** they nullify. A small courtyard that... what does it mean? It was... next to a large courtyard, not a courtyard that was together, a separate courtyard. There was a wall between them, and the wall broke, and now the small courtyard is completely exposed.

Speaker 2: Yes.

Speaker 1: The small one connected... now the small one is completely open to the large one. **They make an eruv for themselves with the law of.** The people of the large one can make an eruv for themselves. That means, this was erev Shabbat already the tragedy, the wall broke. So the people of the large one still have their own domain, they don't have posts from here and from here. That means, they are larger. So from their side there are walls. From their point of view there are walls. Right. A very large opening.

Speaker 2: Even if it's more than ten amot, isn't it a breach?

Speaker 1: I don't know. A simple opening is like a door. One asks that the things of ten amot... posts, how do I have posts here? Posts aren't enough. Posts, here would have needed the laws of a breach, no?

Speaker 2: Ah, he says that this is talking about that the breach is actually less than ten amot.

Speaker 1: Ah, okay, let's say. So, but **the residents of the small courtyard may not, they are forbidden to carry out and move things into their courtyard until the residents of the large courtyard make an eruv.** They can certainly make an eruv, what do I have here, a breach?

Discussion: Why Can't the Small Courtyard Make an Eruv on Its Own?

Speaker 2: Why? Why can't they rely on the eruv of the large courtyard? You're saying that the large courtyard, that they have, so to speak, become nullified to the large courtyard, why do they need to make an eruv, make one eruv? I don't understand.

Speaker 1: It says **the dwellings of the large courtyard are considered to be in the small courtyard, but the dwellings of the small courtyard are not considered to**

be in the large courtyard. That means, the residents of the large courtyard may even carry in the small courtyard?

Speaker 2: Why can't... It's actually like this, the small courtyard can only rely on the large courtyard, because it doesn't have any wall at all. It has no way to be able to carry except by carrying with the large one.

Speaker 1: He simply says that the large courtyard can make an eruv for itself. The point is that the large courtyard can make an eruv, because it still has all its doorposts, and therefore ultimately it also dwells in the small courtyard, because the small courtyard is now open to it. But it won't be able to carry there, because it only made an eruv in its own courtyard.

Do you understand? I need to understand what **the dwellings of the large courtyard are considered to be in the small courtyard** accomplishes. I don't see that it does anything. What does it give me? Do you understand the problem?

Speaker 2: It's because they can make an eruv.

Speaker 1: I understand, but for that it's enough to say what he says. He gives two reasons here: one, because it has an opening; second, because the dwelling of the large courtyard is considered to be in the small courtyard. That is, in short, the large courtyard, the small courtyard becomes nullified to the large courtyard. The large one also dwells in the small one, therefore it becomes the owner. But the dwelling of the small courtyard is not considered to be in the large courtyard, therefore they cannot. What? Therefore what? Something is still missing for me.

Speaker 2: The small courtyard can't make an eruv for itself with it, because how will it carry? It doesn't have any wall between its area and the... It won't be able to carry in its area which is open to the large courtyard, because there's no wall between them.

Speaker 1: The large courtyard has the option... the large courtyard has a right to dwell, they have importance as the residents in the small courtyard which is open to the small courtyard, and they have walls. Therefore they have the option either to make an eruv for themselves... ah, they need to make an eruv for themselves. They must make an eruv for themselves. Right.

That means, there is a rabbinic prohibition. Without making an eruv for themselves, what will happen? They won't be allowed to carry simply in their own area, because... but they shouldn't be allowed to carry even if they lock that off?

Speaker 2: Yes, certainly. If they were to stand and make an eruv for themselves.

Speaker 1: Yes, certainly. But he's not making an eruv with the small courtyard.

Speaker 2: He doesn't have to make an eruv with the small courtyard.

Speaker 1: Ah, he can. The point is, say, I don't understand the Rambam's reasons. The law I understand. In short, the law is clear that there is a rabbinic prohibition. The large courtyard can make one on its own, and it can make one with the small courtyard. The small courtyard doesn't have the option to make one on its own, it must make one with the large one. It can't make its own.

The language is a bit difficult, because the word is about the structure of the wall, I don't understand how the importance stands here. But all the other commentators also found this difficult, so we can move on. The trouble of many is half a consolation, the consolation of fools. What is the dispute of the Geonim? That the trouble of many, we don't understand the reason of the Rambam that he says. Okay.

Additional Explanation: The Large Courtyard Uses the Partition of the Small Courtyard

Speaker 2: In short, you want to say that it's not just that... not like we said before, about a breach that is less than ten, and therefore it's just called a breach. Perhaps the large courtyard actually uses the partition of the small courtyard, but it doesn't matter. In a way they're saying they can make an eruv on their own based on the fact that they rely on the partition of the small courtyard. Why? Because they are the large one. As opposed to the small one, they cannot.

Speaker 1: You mean the other side, the partition of... the other partition, not the one that was breached.

Speaker 2: Right, because their partition is breached.

Speaker 1: Ah... but he dwells there, as if they nullify him. But it doesn't matter. Because he dwells, as if he dwells in the small courtyard. It doesn't mean that the small courtyard dwells with him. He dwells with them, and they don't dwell with him. He's not there, he doesn't exist. That's what he says, he dwells with his people, not with him. They cancel him. They cancel him, they nullify him.

Law 25: If Part of Shabbat Was Permitted, All of It Is Permitted

The Opening or Window Was Closed on Shabbat

Speaker 1: Okay, so until now we learned when it was breached from before Shabbat, the law changes. But there is a novelty regarding the small and large courtyards. Now we're going to learn what happens if the reality changed on Shabbat. Right?

He speaks of two courtyards that made an eruv together through an opening of eight. They used the permission of an opening or through a window. **And the opening or window was closed on Shabbat.** On Shabbat there came a... because there was a wind, it threw something into the window, now the window is blocked.

Speaker 2: Yes?

Speaker 1: Yes. So they only had... here there is a question, they only had an eruv together. Now they are no longer together, so seemingly neither of them has an eruv, right? No. He says a novelty like this, **each one is permitted for itself.** Each one... because the window they can't, because there is no window. But each one for itself remains permitted. **Since part of Shabbat was permitted, all of it is permitted.** Such a law, that one eruv is enough, if part of Shabbat was permitted, all of it is permitted. We don't say that in the middle of Shabbat two courtyards came into being and you don't have an eruv, it came about in the middle of Shabbat, don't carry. It already became one part, it became one unit.

The Wall Between Them Fell on Shabbat

Speaker 1: The same thing is reversed, they presumably made an eruv, they made an eruv, this one for itself and this one for itself. They made, didn't use an opening, there was a

wall, but in the middle **the wall between them fell on Shabbat.**

Speaker 2: Yes?

Speaker 1: So now they need to make one partition, it's such a case without any wall, one must make one eruv, sorry. Nevertheless, **these carry for themselves and these carry for themselves up to the place of the partition.** It's very interesting, it's virtual, there's no partition anymore, he may carry where the partition was, **and these carry up to the place of the partition,** the same thing. Why? **Since part of Shabbat was permitted, all of it is permitted. And even if there were added to them,** meaning new ones came, the other courtyard now came to dwell on Shabbat, one would seemingly need to make an eruv with them, it doesn't matter, **for residents who come on Shabbat do not prohibit.** Here it says a bit like a reason, not just if part was permitted all is permitted, but the residents who come on Shabbat, meaning, for the previous case it's not relevant, it became separate on Shabbat. But here, as if, let's say, new people come on Shabbat, it doesn't matter, new people who come on Shabbat don't disturb, don't invalidate the eruv.

Law 26: The Window Was Opened Inadvertently or by a Non-Jew

Speaker 1: Now, what is the reverse? That is, what is, sorry, it closed, he goes back to the previous case, there was a window, they made an eruv through a window or an opening, it closed, they may carry each one separately, but they may not carry between them. What if **the window was opened and an opening was made inadvertently? Or a non-Jew made it with their knowledge,** non-Jews with the knowledge of the non-Jews, one must say with their knowledge, because you need the Jews, seemingly it's forbidden, because there is an act of work done on Shabbat, because from the work of a non-Jew, a non-Jew did a prohibited act for a Jew on Shabbat. But the non-Jew did it with knowledge, or inadvertently, **one returns to carrying,** that one may even carry between the windows.

Law 27: Two Ships

Speaker 1: And likewise the same thing, one needs the case, **two ships or two courtyards side by side and they made an eruv,** and ships is the same law, they haven't yet seen the law, but two ships that are tied one to the other, it's exactly like two courtyards, one can make one eruv. But afterwards **they were separated, it is forbidden to carry from one to the other, even if a partition was placed,** even if there is one partition between the two ships, but because the ships are two separate private domains. Right? That is, these are three cases that we haven't actually learned until now. One must say like this, until the laws of ships, ships are two courtyards, let's say, so how can one make them one eruv if they are tied together? If it's the same law, if it became cut off they may not, but each one separately may. **It returns and becomes valid inadvertently, it returns and is permitted,** they may carry even one from the other.

The Law of Ships That Are Tied to Each Other

Right? That is, these are three cases we haven't actually learned until now, one must say like this, the laws of ships.

Ships are two courtyards, let's say, so how can one make them one eruv? If they are tied together. If they are, it's the same law we say, if it became cut off they may not, but each one separately may. A courtyard that is not tied to the second, the courtyard is permitted, they may carry even one for the other.

Question: Why Does the Rambam Mention Ships Specifically Regarding Separation?

I don't understand simply why he remembered to say the ships only regarding the question of separation, he could say another trillion laws about the ship, that it needs to be tied. But anyway, until now, there is on this, yes, this is the topic.

Conclusion

So, until here the laws of chapter 3, the laws of eruv chapter 3.