

Laws of Eruvin Chapter 4 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Shiur – Laws of Eruvin Chapter 4

Introduction to the Chapter

Chapter 4 transitions from the topic of **mechitzos** (which was the subject of the previous chapters — how the physical structure of courtyards determines whether they are one domain or two) to a new topic: **the people**. The foundation of Chapter 4 is: what is the relationship between the people that determines whether they are considered one domain? The principle: **if people eat together at one table, they are like members of one household and do not need an eruv**. An eruv is a formal partnership in bread — when people are already truly partners in their eating, this is a "true eruv" by nature.

Halacha 3 — Members of a Courtyard Who All Eat at One Table

Words of the Rambam: "Members of a courtyard who all eat at one table regularly, even though each one has his own house — they do not need an eruv, because they are all like members of one household. And similarly, if they need to make an eruv with members of another courtyard — one eruv for all of them, and they place only one loaf in the place where they are making the eruv."

Simple meaning: A courtyard where all residents regularly eat together at one table — even though each has his own house — they do not need an eruv among themselves, because they are considered like members of one household. When they want to make an eruv with a second courtyard, one loaf is sufficient for the entire group.

Novellae and Explanations:

1. **The source of this law:** The foundation comes from the essence of eruv itself. An eruv formally makes people partners in bread — if they are already truly partners in their eating, this is essentially already an eruv, and they don't need an additional formal eruv.

2. **What does "tamid" (regularly) mean?** Not that they once had a party together, but rather **a fixed pattern of eating together**. It could be that each also has his own kitchen, but he eats there. Examples: a **camp** (where one lives in external bunks but everyone eats in one dining hall), or a **kibbutz** (where everyone used to eat in one dining room).

3. **When the other courtyard places the eruv with them:** If the second courtyard places the eruv in **their** courtyard (the courtyard that eats together), they don't need to give any loaf at all — just as the principle that **a house where the eruv is placed does not need to give a loaf**, because all the houses in the courtyard are considered like one house.

4. **Eruv chatzeiros that are already combined:** "And similarly, members of a courtyard who made an eruv... they all become like one house" — even when

people are not regularly eating at one table, but they made a formal eruv, they also become like one house. When they then want to make an eruv with a second courtyard, they also need only **one loaf**.

5. **Pas vs. kikar:** The Rambam switches from "pas" to "kikar" — kikar means a loaf of bread. It is raised whether this is a distinction (perhaps kikar can be incomplete, relevant for shitufei mevo'os which doesn't need to be complete), but the conclusion is that it is apparently the same.

Halacha 4 — Five Who Collected an Eruv

Words of the Rambam: "Five who collected an eruv — they do not need to bring it on behalf of all five, but only one loaf, for once they all collected, they became like members of one household."

Simple meaning: Five people from a courtyard collected loaves for an eruv with another courtyard. One doesn't need to bring all five loaves — one loaf is sufficient, because by giving their loaves together they already became like members of one household.

Novellae and Explanations:

1. **The order of the halacha — a clear progression:** (a) one family needs only one eruv; (b) an entire courtyard eating at one table is like one family; (c) a courtyard that made an eruv becomes like one house; (d) **even half a courtyard** — five people who collected — already become like members of one household through the mere act of collecting.

2. **The moment of "becoming one":** The moment people place their loaves in the basket, they have already become together — one doesn't need to wait until it arrives at the place of eruv.

Halacha 5 — Father and Son, Teacher and Students

Words of the Rambam: "A father and his son or a teacher and his students who dwell in a courtyard — they do not need to make an eruv, and they are like one house. Even though each eats from his own and they don't eat in one place, since they are father and son or teacher and students — they are like one house."

Simple meaning: A father with a son, or a teacher with students, who live in one courtyard — even though they don't eat together and each eats separately — they don't need an eruv, because they are considered like one house.

Novellae and Explanations:

1. **Novelty regarding Halacha 3:** This is a greater novelty than Halacha 3 — there they need to eat together, here **even though they don't eat together** they are considered one house, because the connection of father and son or teacher and students is so strong that they automatically become like one house.

2. **"Dwelling in the courtyard" — specifically alone:** The Rambam says **"dwelling in the courtyard"** — this implies that **they are the only ones in the courtyard**. This is implied from the Gemara: if there are other people in the courtyard, the others prohibit them, and then they do need to make an eruv with the others (though not among themselves).

3. **Why do others prohibit them:** Because father and son don't necessarily eat in one place here — their status as one house is only a legal status, not a reality of one table. Therefore, when it comes to other people in the courtyard, those can prohibit.

4. **What does "one house" mean by father and son:** Perhaps the reason is not necessarily that they eat together, but that **they have one economy** — the father pays for the son's food, there's no separate bank account — even if the son doesn't eat at the father's table every day.

5. **Question about husband and wife:** It is asked whether the law also applies to a husband and wife who don't have good domestic peace and have two separate kitchens. The conclusion is yes, because "father and son" essentially means one family — even with separate economies, as long as they are in one courtyard.

6. **Distinction between living separately and eating separately:** The main point is that they **live** in separate houses (not just eat separately). By a normal husband and wife who live in one house, no question arises. The novelty is that even when they live in separate houses within the courtyard, and even though they are not regularly eating at one table, two things are sufficient: (1) they are a family, (2) eating together occurs.

7. **Teacher and students — practical application:** This can be a rabbi with Chassidim. The connection of teacher and students is like a family — they become like one house.

Halacha — Brothers (Brothers Who Live Together)

Words of the Rambam: Brothers — each one has his own house, and they are not regularly eating at their father's table. And similarly women or servants who are not regularly eating at their master's or owner's table, but they eat at his table as payment for work they do for him, or on certain known good days — like one who dines with his friend for a week or month. If there are no other residents with them in the courtyard — they do not need to make an eruv.

Simple meaning: Brothers with separate households, or women/servants who don't regularly eat at the homeowner's but come to eat sometimes (for work or on special occasions) — if no other residents are in the courtyard, they don't need an eruv.

Novellae and Explanations:

1. **Systematic distinctions in laws:** A progression of leniencies is explained:

- (1) Living in one house (even with separate economy) — obviously no problem.
- (2) Not living in one house but regularly eating together (courtyard members who manage everything together) — also good.
- (3) Living in one courtyard and eating together (like father and son) — also good.

- (4) Not in one house, not one family, but eating together sometimes (like every Shabbos) — then one needs to arrange an eruv, and the law applies that one brings only one loaf from the entire courtyard.

2. **"Like one who dines with his friend" — what does the comparison mean?** The comparison comes to explain the manner of eating — that it's not a fixed reliance on his table, but occasional visits. The novelty is that by a family, even such occasional eating together is sufficient to exempt from eruv (when no other residents are present).

3. **If other residents are present:** Then it doesn't help — because after all they are not regularly relying on one table, and one must make an eruv with one loaf for each like other courtyard members.

4. **Practical application — Chassidic beis medrash:** A Chassidic community where everyone eats the Shabbos meal together every week — this can only help if no other people are in the neighborhood. If yes, one needs a full eruv.

5. **Question about sleeping vs. eating:** A question is touched upon whether one follows where one sleeps (sheina) or where one eats (achila). The Rambam follows eating together. There is an opinion of Shmuel that one follows sleeping.

Halacha — Five Groups Who Spent Shabbos in One Hall
Words of the Rambam: Five groups who spent Shabbos in one hall — if a partition reaching the ceiling separates between each group, each group is like a separate house, therefore they need a loaf for each and every group. But if there is no partition reaching the ceiling — they are all like one congregation, for they are all considered like members of one household.

Simple meaning: Five groups in one large hall — if a partition goes to the ceiling, each group is a separate house and needs a separate loaf for eruv. If not — all are like one household.

Novellae and Explanations:

1. **The measure of partition:** The measure is specifically a partition reaching the ceiling — not just a small partition of ten amos. Only when it goes to the ceiling is it considered a separate house.

2. **Practical application — Shabbaton/hotel:** At a Shabbaton in one hall without partitions reaching the ceiling — one doesn't need separate eruvs, all are like one household. But in a hotel where one is in separate rooms (with walls to the ceiling) — one already needs an eruv for the hallways between the rooms.

3. **Question about hotel owner:** If the entire hotel belongs to one person and all are his guests — one must clarify whether the guests rented (rental), and whether the owner can make an eruv for them.

Halacha — One Who Has in His Friend's Courtyard (Gate House, Porch, Balcony, etc.)

Words of the Rambam: One who has in his friend's courtyard a gate house, porch, and balcony... cattle house, straw house, wood house, storehouse — this does not prohibit him, until he has with them in the

courtyard a dwelling place where he relies to eat his bread.

Simple meaning: A person who has in a courtyard only a gate house (a gate/passageway where many pass through), a porch (an open porch on ground level — without wall or roof), a balcony (a porch on a second floor), a stable, a place for straw/wood, or just a storehouse — does not prohibit the courtyard. He only prohibits if he has there a dwelling place where he can eat bread.

Novellae and Explanations:

- 1. Two conditions for "prohibiting":** The Rambam establishes that there must be **both** a dwelling place **and** a place where one eats bread. Both conditions must be fulfilled.
- 2. A sleeping place does not prohibit:** Even if the person sleeps there, but he doesn't eat there — he does not prohibit. This is a novelty — one would have thought that sleeping is a sign of dwelling, but regarding Shabbos one looks at eating, not at sleeping.
- 3. Fixed eating in a gate house does not prohibit:** Even if he did fix to eat in a gate house or porch — he does not prohibit, because it's not a dwelling place. This shows that the second condition (dwelling place) is also necessary — without dwelling, eating doesn't help.
- 4. Why porch/gate house is not a dwelling:** Because it's open, many tread in it, there's no privacy. But a wood house — if he makes there a small room where he eats and sleeps — it will indeed prohibit, because then it's a dwelling place with eating bread.
- 5. Regarding Shabbos one looks at eating:** There are two ways to determine a person's house — through sleeping or through eating. Here regarding eruv chatzeiros one looks at eating bread.

Halacha — Ten Houses One Inside the Other

Words of the Rambam: Ten houses one inside the other — the innermost house and the second to it, both of them make an eruv, and eight outer houses do not need to make an eruv.

Simple meaning: With ten houses where one must go through one after another to reach the innermost — only the innermost (tenth) and the ninth need to make an eruv. The eight outer ones don't need to.

Novellae and Explanations:

- 1. Why are the eight exempt:** To reach the innermost house, all people must pass through the eight houses. Therefore they have "many tread in them" — they are viewed like a gate house, which does not prohibit (as learned in the previous halacha).
- 2. Why the ninth prohibits:** At the ninth house only two people pass through — the owner of the ninth house himself, and the owner of the tenth house. Two people doesn't mean "many tread in it." Therefore the ninth house is a dwelling place, not a gate house.
- 3. Why the tenth needs an eruv:** The tenth (innermost) is simply a dwelling — no one passes through his house, he lives there. But he needs a second person in order to need an eruv — and the ninth is the second person.

- 4. If all nine were gate houses:** No one would need any eruv, because there would be only one person in a dwelling, and a gate house does not prohibit. Only because the ninth is also a dwelling, both (ninth and tenth) need to make an eruv.

[Digression: Kabbalah parallel] Ten houses one inside the other is like ten sefiros, and only the first two (Keser, Chochma — left head according to Etz Chaim) have a special connection.

Halacha — Two Courtyards with Three Houses Between Them

Words of the Rambam: "Two courtyards and between them three houses open to each other and open to the courtyards — the members of this courtyard brought their eruv through the house open to them and placed it in the middle house, and similarly the members of the other courtyard — those three houses do not need to give the loaf."

Simple meaning: Two courtyards with three houses in between (open one to the other and open to both courtyards). Both courtyards bring their eruv through the house that is open to them, and place it in the middle house. The three houses don't need to give a loaf.

Novellae and Explanations:

- 1. Why don't the three houses need to give a loaf:** The principle is that the place where one places the eruv — the owner is exempt through giving his house for this purpose, he doesn't need to give a loaf. Because both courtyards place the eruv in the middle house, the owner of the middle house is exempt. And the other two houses are like a gate house (many tread in them), therefore they are not prohibiting at all.
- 2. "He who needs doesn't need, and he who doesn't need needs":** A sharp formulation — the one who one would think needs (the middle one, where the eruv lies) doesn't need, and those who one would think don't need (the courtyard residents) do need.

Halacha — Two Courtyards with Two Houses Between Them (Eruv on the Wrong Side)

Words of the Rambam: Two courtyards... and they placed eruvs in the house open to them, and placed in the second house near the other courtyard — both did not acquire an eruv, for each of them placed his eruv in his friend's gate house.

Simple meaning: When two courtyards have only two houses between them, and each courtyard places its eruv in the house that is closer to the *other* courtyard (not to their own), both eruvs are invalid, because each placed his eruv in a gate house of the other.

Novellae and Explanations:

- 1. Gate house is a "concept" not just a fact:** "Gate house" is not just a physical reality (a house built specifically as a passage), but a halachic category — if a house is *actually* used as a passage to the next house, it gets the status of gate house. This is learned from the previous halacha with nine houses.
- 2. The eruv itself makes the house into a gate house:** A sharp novelty — the reason the house becomes a "gate house" is *through the fact that one placed the eruv on the other

side*. Through courtyard A placing its eruv in the farther house, it shows that it goes through the nearer house — and thereby makes the nearer house into a gate house. Without this eruv, the house would not have been a gate house. It is noted that there's no clear proof, but this is how the Rambam is understood.

3. Practical advice: One can indeed make an eruv between the two courtyards, but one must place it in the courtyard itself, not in the gate house. Or if one places it in the house that is closer to one's own courtyard (not the farther one), it's also good, because then that house doesn't become a gate house.

Halacha — A Dying Person Prohibits the Courtyard Members

Words of the Rambam: A dying person, even though he cannot live through the day — he prohibits the courtyard members, until they grant him a loaf.

Simple meaning: A dying person (goseis), even though he won't survive Shabbos, prohibits the courtyard members, and one must grant him a loaf (eruv).

Novellae and Explanations:

1. Why would one think a goseis doesn't prohibit: A goseis is still alive — why would one even think he doesn't prohibit? The answer: the practical difficulty — by a goseis one cannot request a loaf (the normal way of eruv chatzeiros is that each gives a loaf), and one would think that since it's harder to make the eruv, perhaps one doesn't need to. The Rambam says: one can grant him without his presence (zachin le'adam shelo befanav), but this is post facto according to the Rambam.

2. Half a Shabbos also prohibits: The inference from "he cannot live through the day" is that even if he will only live part of Shabbos, he prohibits. This agrees with what was already learned by heirs — that half a Shabbos is enough to prohibit. One doesn't look only at bein hashmashos; also arriving or leaving in the middle of Shabbos is relevant.

Halacha — A Minor Prohibits the Courtyard Members

Words of the Rambam: And similarly a minor, even though he cannot eat an olive's volume — he prohibits.

Simple meaning: A minor who lives alone in a house in the courtyard prohibits, even though he cannot yet eat an olive's volume.

Novellae and Explanations:

1. Eruv chatzeiros is not dependent on ownership: A minor has no halachic ownership, but this is not relevant — the entire law of eruv chatzeiros doesn't go on ownership, but on the fact that he *lives there* on Shabbos.

2. The minor cannot eat — and yet the partnership in bread works: The foundation of eruv chatzeiros is connected to eating there. But yet, by a minor who cannot eat an olive's volume, the partnership in bread works as a formality — he becomes a partner in the bread even though he cannot actually eat it. This shows that the acquisition in bread is a halachic mechanism, not a practical one.

3. Parallel to a non-Jew: The same reasoning works by a non-Jew — one would think that because one cannot request a

loaf from a non-Jew, one doesn't need to, but the answer is that one can grant him, and he prohibits.

Halacha — A Guest (Oreiach) Does Not Prohibit

Words of the Rambam: A guest... does not prohibit, for he is nullified to the homeowner.

Simple meaning: A guest who eats at one of the homeowners does not prohibit, because he is nullified to his host.

Novellae and Explanations:

1. A guest in his own house: It is discussed whether a guest who lives alone in a separate house (which a homeowner gave him for Shabbos) is also nullified. The conclusion seems to be yes — because it's not *his* house, he's a guest, he is nullified to the rest of the courtyard. It is noted that there is a dispute among later authorities about this.

2. Comparison between minor and guest: One would think that the guest has more connection to the house than a minor — he actually lives there, he has a "portion of dwelling." But the minor has **ownership** of his house (such as inheritance), though he doesn't have full ownership from Torah law. The guest has no ownership at all. Therefore: the minor can prohibit, but the guest cannot. The foundation: **eruv chatzeiros has to do with ownership, not with practical presence.**

3. Practical ramification for communal eruv: The custom (according to Terumas Hadeshen) is that one makes an eruv chatzeiros once a year (erev Pesach) and one grants for everyone through "zachin le'adam shelo befanav." If a guest doesn't need a separate eruv, it makes the general eruv easier — one doesn't need to worry about every guest who comes during the year.

[Digression: Custom of eruv chatzeiros once a year]

The custom is that one makes eruv chatzeiros once a year (not every week), and one grants for every person — for all who will be there the entire year, including guests. This is "a bit of a novelty of granting" — to grant for people who are not yet there. The custom is to use a matza for eruv chatzeiros — by today's standards no one would eat an old matza, but in a box it remains kosher.

Halacha — One of the Courtyard Members Who Left His House and Went to Spend Shabbos in Another Courtyard

Words of the Rambam: "One of the courtyard members who left his house and went to spend Shabbos in another courtyard, even adjacent to his courtyard — if he removed from his mind the intention to return to his house this Shabbos, he does not prohibit them."

Simple meaning: If one of the homeowners in the courtyard goes away for Shabbos and he is removing from mind — he doesn't plan to return — one doesn't count him as a resident, and he doesn't prohibit the others.

Novellae and Explanations:

1. "In what case? By a Jew" — the distinction between Jew and non-Jew: By a **Jew**, Shabbos is a "whole thing" — when he goes away for Shabbos, this is a certain decision, "one doesn't change." He is not "mobile" on Shabbos. Therefore, if he

removed from mind, one doesn't count him. But by a **non-Jew** — **"even if he went, his domain in another city, he prohibits them until they rent from him his place"** — because **"for it is possible he will come on Shabbos"** — a non-Jew doesn't have such a thing as "he goes away for Shabbos," Shabbos is for him like any day, he can always return.

2. Why doesn't removing from mind help by a non-Jew: By a non-Jew, removing from mind on Shabbos is not applicable, because he doesn't have the concept of "I'm away for Shabbos." A Jew who says "I'm at my father-in-law for Shabbos" — this is a decision. A non-Jew doesn't have such a decision.

3. An interesting aspect: Perhaps the reason a Jew doesn't return is not only because he decided, but because **if he returns he won't be able to carry in his own house** (because he didn't leave an eruv). This gives him a practical reason not to return.

4. If he removed from mind, but he does return: If he returns, he is again a resident — but the main point is that one reckons with practical reality, and normally he won't return.

5. "One who goes to spend Shabbos in another city": By a non-Jew, even in another city, one still reckons with him. By a Jew, if he removed from mind, one doesn't reckon with him.

Halacha — Courtyard Owner Who Rented Houses and Left Items (Holding Power)

Words of the Rambam: "A courtyard owner who rented houses in his courtyard to others and left utensils or types of merchandise in each house — they do not prohibit him, provided he has holding power in each house, they become like guests with him."

Simple meaning: If the homeowner rented houses in his courtyard, but he left his things in each house, the renters don't have the status of separate residents — they are like guests with him, and they don't prohibit.

Novellae and Explanations:

1. The foundation of holding power: The fact that the lessor still moves around in the houses (comes to pick up, bring things) — this shows that he hasn't completely given over the house. He remains the homeowner, and the renters are like guests.

2. "In what case? When he left there something forbidden to move on Shabbos, such as tevel and metal" — the Rambam makes a distinction: only when he left things that one may not move on Shabbos (like tevel or a large piece of metal) — this guarantees that all Shabbos his things remain there, and he has holding power.

3. But if he only left utensils that are permitted to move — "since it is possible he will take them out today and he will not have holding power there remaining, these prohibit until they make an eruv" — because he can theoretically remove all things on Shabbos, one reckons that he doesn't have firm holding power, and the renters become separate residents who need eruv.

4. A sharp question: If he left an entire full house with things that one may move — practically he won't remove everything on Shabbos! Why shouldn't this be called holding

power? The answer: **holding power is not a practical thing** (whether he will actually carry it out), but a **conceptual/halachic thing** — whether he has the **possibility** to remove it. If he **can** halachically remove everything, this is not firm holding power, even if practically he won't do it.

5. Why should "he can lose his holding power" mean he has already lost it? The answer: **such a thing that is not "stuck" (firmly connected) there — is not called holding power.** Regarding Shabbos, the fact that he can remove it makes it not a firm presence.

Transition: Courtyard Members Who Forgot and Did Not Make an Eruv — What May One Do Without an Eruv

Introduction: Until now one learned which type of person or house is prohibited in a courtyard. Now one transitions to learning: **if one didn't make an eruv** (forgot or just didn't), **what may one still do?** The foundation: the entire courtyard is in any case a private domain from Torah law. The prohibition to carry without eruv is a rabbinic decree. Therefore there are details that one may indeed even without eruv.

Halacha — Courtyard Members Who Forgot and Did Not Make an Eruv — Utensils That Rested in the Courtyard

Words of the Rambam: "Courtyard members who forgot and did not make an eruv — they may move utensils that rested in the courtyard throughout the entire courtyard and in all that is considered with it."

Simple meaning: When people in a courtyard didn't make an eruv, they may not carry from houses to courtyard and from courtyard to houses. But utensils that were already lying in the courtyard when Shabbos entered, one may carry around in the entire courtyard and in all places that are considered part of the courtyard.

Novellae and Explanations:

1. Forgot vs. simply didn't make an eruv: A question is raised: the Rambam says "forgot" — forgot. What is the distinction between forgot and simply didn't make an eruv? Perhaps if one intentionally didn't make an eruv one won't permit? But it is left that one hasn't seen such a distinction, and practically a normal Jewish courtyard makes an eruv.

2. The foundation of the permission: The entire prohibition is because it looks like one is carrying from private domain to public domain. But carrying only within the courtyard itself is not a problem.

3. A utensil that belongs to a house: A utensil that belongs to a private domain (a house) one may not bring into the courtyard, even if one didn't actually carry it — the main thing is where the utensil spent Shabbos.

Halacha — Courtyard Members and Balcony Members Who Made Eruv for Themselves

Words of the Rambam: "Balcony members may move utensils that rested in their houses throughout all the balconies and in all that is considered with it, and courtyard members may move throughout the entire courtyard and in all that is considered with it."

Simple meaning: When courtyard members make an eruv for themselves and balcony/upper floor members make an eruv for themselves, each group may carry in their own domain, but not from one to the other.

Novellae:

- The main novelty is the concept "in all that is considered with it" — what is considered part of the courtyard or balcony. This is what the Rambam will elaborate in the coming halachos.

- Also by an individual dwelling in the courtyard and an individual dwelling in the upper floor who forgot and didn't make an eruv — the same law: each may carry in his own domain and in all that is considered with it.

Halacha — Rock and Mound in the Courtyard

Words of the Rambam: "A rock or mound within the courtyard — if they were ten handbreadths high, they are considered between the courtyard and the balcony, and both prohibitors may not bring there utensils that rested in their houses."

Simple meaning: A stone or elevation in the courtyard that is ten handbreadths high is considered a separate domain that belongs both to courtyard and to balcony — therefore neither may bring there utensils from the houses.

Novellae and Explanations:

1. **Less than ten handbreadths:** Is not a domain unto itself, but part of the courtyard. Both may carry "utensils that rested in the courtyard" but not "utensils that rested in the houses" — because it's a shared space without eruv.

2. **If ten high and most of it enters the balcony less than four handbreadths:** It is considered part of the balcony (their foot is equal in it — it's convenient to use from the balcony). Balcony members are permitted, courtyard members are prohibited.

3. **If distant from the balcony more than four handbreadths:** It is not considered part of the balcony itself, but both can use it through throwing, therefore both are prohibited in it until they make an eruv.

Halacha — Wide Pillar Four Handbreadths Before the Balcony

Words of the Rambam: "A pillar four handbreadths wide before the balcony — balcony members do not prohibit the courtyard members, for they are separated from it."

Simple meaning: A wide stone (4 handbreadths) in front of the balcony creates a separation between balcony and courtyard, so that the balcony becomes a separate domain.

Novellae and Explanations:

1. **The true novelty:** The novelty is not that balcony people cannot carry in the courtyard (they couldn't anyway), and also not that they don't prohibit. **The true novelty:** Previously both — courtyard and balcony — could use the rock/mound through throwing, and therefore it was prohibited for both. Now with the pillar, the rock is cut off from the balcony — the pillar is a sign/partition that the balcony person won't throw things over. Therefore the rock belongs only to

the courtyard, and the courtyard may indeed carry to the rock, but the balcony may not.

Halacha — Projections Extending from the Walls

Words of the Rambam: "Projections extending from the walls — anything below ten handbreadths is considered like the courtyard, and anything within the ten upper handbreadths adjacent to the upper floor is considered like the upper floor, and what remains between the ten lower and ten upper — both are prohibited in it."

Simple meaning: A projection (a stone or board that sticks out from the wall) — in the lowest 10 handbreadths it belongs to the courtyard, in the highest 10 handbreadths near the upper floor it belongs to the upper floor, and the middle section is prohibited for both.

Novellae:

- The middle section is a shared space where both can use it — just like by throwing or a ladder that both use. Therefore both are prohibited in it without eruv.

Halacha — A Pit in the Courtyard Filled with Untithed Produce

Words of the Rambam: "A pit in the courtyard that was filled with untithed produce that is forbidden to move on Shabbos — it and its space are like a ladder suspended in the courtyard. If it was ten high — it prohibits, and if not — it does not prohibit."

Simple meaning: A pit full of tevel (which one may not move on Shabbos) is viewed as if the pit is filled with a solid thing — because one cannot remove it. If the pit with its walls is ten handbreadths high, it becomes a partition/domain unto itself.

Novellae:

- The foundation: because the tevel is forbidden to move, one views as if the pit is actually filled — it is no longer a hollow space but solid.

- **But if the pit is filled with water** — water can be used, therefore one returns to the principle that something both can use is prohibited for both without eruv.

Halacha — A Well Filled with Water (Continuation)

Simple meaning: When the well is full of water, both (upper floor and courtyard/balcony) can use it, and therefore the law is "one may not place and may not make an eruv" — one may not carry until one makes an eruv.

Novellae and Explanations:

1. **Question:** Why shouldn't one say that if the well is closer to the balcony/upper floor, only they should be able to use it — just as by a rock that is ten handbreadths high?

2. **Answer (from the Gemara):** By a rock, if it's ten handbreadths, the upper ones use it. But by a well of water it's different — **water changes**, it sometimes goes down in the middle of Shabbos. When the water goes down, it becomes difficult for both sides, therefore it's "both use with difficulty" — both have difficulty, and one cannot say that one has better access.

3. **Novelty about grain vs. fruits vs. water:** The principle is that **anything that is "movable on Shabbos"** — that can change in the middle of Shabbos — has the same law as water.

Fruits are also movable, therefore the same law would apply. But **grain** (which one cannot remove on Shabbos because it's muktzeh) is like stones — it's stable, one views it as a fixed reality, and then one returns to the normal law of a rock (depends on who is closer).

Halacha — Two Courtyards One Inside the Other

Words of the Rambam: Two courtyards, one inside the other. The members of the inner one must pass through the outer one in order to go out or come in. The outer one never needs to enter the inner one.

The Inner Ones Made an Eruv and the Outer Ones Did Not

Simple meaning: Only the innermost made an eruv — **the inner one is permitted, the outer one is prohibited.** The inner one may carry in its courtyard. But the outer one is prohibited because the inner one passes through there, and he is like a partner who didn't participate in their eruv.

The Outer Ones Made an Eruv and the Inner Ones Did Not

Simple meaning: Both are prohibited. The inner one — because they didn't make any eruv. The outer one — because the inner one (who has no eruv) passes through their courtyard, and he is like a partner without eruv.

Each Made an Eruv for Itself

Simple meaning: Each is permitted by itself, but one may not move from one to the other.

Novelty — the principle "a foot permitted in its place does not prohibit outside its place": Why doesn't the inner one disturb when he passes through the outer one? Because he has his own eruv, he is "permitted in his place." The moment he has his own courtyard with an eruv, one doesn't count him as a "stranger" in the outer one. This is the foundation: **a foot that is permitted in its own place does not prohibit in a foreign place.**

One of the Outer Courtyard Members Forgot and Did Not Make an Eruv (when the inner one did make)

Simple meaning: The inner one remains in its permission — the inner one remains permitted. The inner one's eruv is valid, and he doesn't disturb.

Both Made One Eruv — They Placed It in the Outer One

Simple meaning: Both courtyards make one eruv and place it in the outer one. If **one of either** (whether from the outer courtyard or from the inner one) forgot — **both are prohibited**, until he nullifies his domain.

Explanation: If one from the outer one forgot — obviously, the eruv is invalid. If one from the inner one forgot — since the eruv lies outside (in the outer one), one cannot say that at his home there is a valid eruv. He must reach the outer one to use the eruv, therefore both are prohibited.

Rabbi Ovadiah of Bertinoro is mentioned — one can nullify domain from courtyard to courtyard.

Both Made One Eruv — They Placed It in the Inner One

Simple meaning: If **one from the outer one forgot — the inner one is permitted**, because their eruv lies with them and they didn't forget. But if **one from the inner one forgot — both are prohibited**, because the eruv lies with him but he didn't participate.

The Great Principle

Novelty: There is no such reality that the outer one has an eruv and the inner one does not. There is a

reality that the inner one has and the outer one doesn't, but not vice versa — because the inner one passes through there, and **"a foot prohibited in its place prohibits outside its place."**

One Person Dwells in This Courtyard and One in That Courtyard

Simple meaning: When there is only **one person** in each courtyard (inner and outer), **they don't need to make an eruv** — each may move in his courtyard.

Novelty: An individual in his courtyard is permitted on his own (he doesn't need an eruv because he's alone), therefore he is "a foot permitted in its place" — and he doesn't prohibit outside his place. He may not **carry out** from his courtyard to the other, but he doesn't disturb the other's domain.

Halacha — Three Courtyards Open to Each Other

Words of the Rambam: "Three courtyards open to each other, both outer ones made an eruv with the middle one — they are permitted with it and it is permitted with them, but the two outer ones are prohibited to each other until all three make an eruv."

Simple meaning: Three courtyards that are open one to the other — when both outer ones make an eruv with the middle one, they may all carry to the middle one, but the two outer ones may not carry one to the other until all three make one eruv together.

Novellae:

- The simple reason is because the outer one from one side didn't make an eruv with the outer one from the other side. The novelty however is that they don't prohibit one on the other — even though both sides meet in the middle in the middle one, this doesn't disturb, and each eruv remains valid by itself.

An Individual in the Courtyard — When One Doesn't Need an Eruv

Simple meaning: If in each of the three courtyards there is only one house (one person), one doesn't need any eruv at all, because an individual in a courtyard doesn't need an eruv. Even though people pass through the middle courtyard — since each is permitted in his place, this doesn't disturb.

The Principle of Permitted/Prohibited Foot

Novelty: The Rambam establishes a principle: **a foot prohibited in its place — prohibits outside its place.** A person who didn't make an eruv in his own courtyard (prohibited in his place), when he has foot traffic in an external courtyard, he prohibits there too. But **a foot permitted in its place — does not prohibit outside its place** — when he is permitted in his own courtyard, he doesn't prohibit at the other's, because he doesn't get mixed with the other.

A Non-Jew in the Inner and Outer

Novelty: A non-Jew who lives in a courtyard — even in an inner and outer courtyard situation — the law remains that one needs rental. The reason: the decree on a non-Jew is that a Jew should not live alone with a non-Jew (lest he learn from his deeds). The non-Jew is viewed **like the public** — therefore he prohibits the outer one, and one needs rental of domain from the non-Jew.

Halacha — Two Balconies One Above the Other (Drawing Water from a Well)

Words of the Rambam: "Two balconies one above the other — if there were ten handbreadths between them, both need to make an eruv as one (like one balcony). If there were more than ten between them — each for itself, both are permitted to draw."

Simple meaning: Two balconies one above the other, both want to draw water from a well. One needs a partition of 10 handbreadths (as learned in the laws of Shabbos) so it shouldn't look like one is drawing from another domain. If between them is 10 handbreadths — they are viewed as one balcony (like a courtyard), and both need eruv. If more than 10 handbreadths — they are separate domains, and each may draw alone.

Halacha — The Upper One Made a Partition and Not the Lower One / The Lower One Made and Not the Upper One

Words of the Rambam: "The upper one did not make a partition and the lower one made — even the lower one is prohibited to draw, because the upper one is prohibited on him. The upper one made and the lower one did not make — the upper one is permitted to draw."

Simple meaning: When only the lower one has a partition — the upper one may not draw (no partition), and the lower one also may not, because the upper one has foot traffic and is "prohibited in his place" (a foot prohibited in its place prohibits outside its place). Conversely — when the upper one has a partition — he may draw, because only the lower one has foot traffic through his domain.

Halacha — Both Built a Partition Together (Partners)

Novelty: When both (upper and lower) built one partition together — even if it's not 10 handbreadths — both may not draw until they make an eruv. The reasoning: since they are partners in the partition, the lower one has a connection to the upper one's place (like foot traffic in reverse). Regarding the permission of partition there's no distinction where the partition physically stands — it just needs to be 10 handbreadths. Since it also belongs to them, they need eruv with the other floor.

Halacha — Three Apartments One Above the Other (Three Floors)

Words of the Rambam: "Three apartments one above the other, the upper and lower belong to one person — he may not lower from the upper to the lower through the middle, for one does not lower from domain to domain through a domain. But one may lower from the upper to the lower not through the middle."

Simple meaning: Three floors — the uppermost and lowermost belong to one person, the middle to another. One may not lower things from above to below through the middle one's domain, because one is going through a foreign domain. But if one has a way (a porch) that doesn't go through the middle one — one may.

Halacha — Two Apartments Opposite Each Other (Pouring Out Water)

Words of the Rambam: "Two apartments opposite each other and one courtyard below — they may not pour into it until both make one eruv."

Simple meaning: Two houses that pour out water into the same shared space (courtyard) — need eruv, because they use a shared space.

Halacha — Ukah (Trench for Water)

Words of the Rambam: "Some of them made an ukah in the courtyard and some of them did not make — those in the ukah pour into their ukah, and those who did not make may not pour into the courtyard until they make an eruv."

Simple meaning: Whoever has an ukah (a trench for water) may pour into his ukah — because he doesn't use the other's domain. But one who doesn't have an ukah may not pour into the courtyard until one makes an eruv — because he uses a shared space.

Novellae:

1. One who doesn't have an ukah may not even pour into the courtyard (not into the other's ukah) — because there are two people in the courtyard, it's a mixture that is prohibited without eruv.
2. But if both have an ukah — each goes into his own, they are not mixed at all, and one doesn't need an eruv.

Until here Chapter 4.

Full Transcript**Laws of Eruvin Chapter 4 – Those Considered as One Household****Introduction to Chapter 4****Speaker 1:**

Let us learn Laws of Eruvin Chapter 4.

We have already learned various laws in Eruvin. The last chapter was about what makes two courtyards that are adjacent, when do we view them as two separate courtyards,

how can they become like one courtyard? All from the perspective of the structure of the courtyard.

Now we're going to speak a bit more, a similar topic, but how we view the matter of reshut hayachid — when things are called like one domain, and when it's called separate domains. Not more laws about the partitions and how it's built, but rather more laws about which types of people, what is the relationship between the people? If people eat together and the like, it's already called, even without the matter of the partitions, like one house, even without the eruv. Right?

In other words, an eruv is a part – an eruv is when one becomes a partner in bread. There is also when it's actually one house because one is actually, one eats together. Then one doesn't need an eruv. One doesn't need an eruv.

So in other words, one needs an eruv when it's one domain but two dwellings. The dwellings, we need to know what is called two people? That's the first thing that needs to be addressed in Chapter 4. But if it's one person, one doesn't need an eruv, one needs a natural eruv, like when one actually eats together.

Speaker 2:

Yes...

Law 1 – Residents of a Courtyard Who All Eat at One Table

Speaker 1:

Right. Here he says – the Rambam says thus: **Residents of a courtyard who all eat at one table always.** So it's one courtyard with other houses in the courtyard, normally one wouldn't be permitted to carry out from each of the houses, but if it's such a type of courtyard where everyone eats together at the same table always, they share a kitchen, **even though each and every one has a house by himself**, even if they also each have a separate house, but they eat together, **they don't need an eruv**, they don't need an eruv, **because they are all like members of one household**, they're called like members of one household.

They don't need the eruv, an eruv is formally making them partners in bread, they are actually partners in bread, so it means... **and his sons and members of his household or his servants or ten students**, they don't make the reshut hayachid forbidden, **and he doesn't need to make an eruv with them**, he doesn't need to make a special eruv, because he already has an eruv by nature, he already has a true eruv, that they eat together. **So too all these are like members of one household**, even when there are even on a larger scale, several families together, but if they are in one courtyard and they eat together, they're called members of one household, **and behold both of them are supported by one table.** What makes a group of people be viewed as one place, one reshut hayachid? That they eat from the same table.

The Source of This Law

Speaker 1:

And so, from where does he know this? He knows it simply from eruv, because that's what eruv does. Eruv does it only in a way, such a formal way. Here he has... he says it the other way around. It seems, everyone understands that one house doesn't need an eruv, his wife and members of his household, so if they are supported by one table, it's good.

Discussion: What Does "Always" Mean? – Examples of Camp and Kibbutz

Speaker 1:

And so, he says further, **and so if they need to make an eruv with residents of another courtyard**, if there is this group, the residents of the courtyard, a whole courtyard but they eat together, not Shabbat meals, they eat together at one table. Everything. Everything. You're telling me they always eat together? Yes, until the father. Not that once he ate a party together. No, not once, I didn't mean to say, but they have a fixed practice of eating together at one table. There's one cook in this courtyard, a camp basically.

He doesn't say clearly always. It could be that they also have... It could also be that each one has his own kitchen, but he eats there. It says here always. A camp, I tell you, a camp is a good example of this. He perhaps lives in separate houses, but everyone eats in the same lunchroom. Or a kibbutz, where everyone used to eat in the same lunchroom.

Law 2 – When the Courtyard Wants to Make an Eruv with Another Courtyard

Speaker 1:

And so, if the residents of the courtyard now want to make an eruv with the next courtyard, they want... it should become a mavoy, yes? It should become several courtyards together. **And so if they need to make an eruv with residents of another courtyard**, or in a place where it's possible to make, they should make an eruv and it should become like one courtyard. **Then one eruv for all of them**, then we remember that each house needs to give bread when one makes several courtyards. But when the courtyard, since they eat as one, one eruv is enough for the group. **And they place only one loaf in the place where they make the eruv with it.** For example, if they want to make the eruv, the residents of the courtyard, those of whom we're speaking here, the camp, want to make with the next courtyard, they need to take one loaf, because here it's already called one group, and they need to place the loaf in the place where one wants to make the eruv with, in the other courtyard. And that's enough, one doesn't need more... one doesn't need that each one of them should make an eruv.

Or they placed the eruv with them, if the opposite case, the other camp next to this one, the other courtyard next to this one, comes to them, **they don't need to give**, they don't need to place a loaf at all, as we've already learned that **a house where they place the eruv**, that there where one places the eruv, when everyone can come eat there, the house where one places the eruv doesn't need to give a separate loaf, **it doesn't need to give a loaf**, it's enough that he gives the place. So the same thing here, **for all those houses are considered as one house**, all these houses in the one courtyard are called like one house, it will also be the same case, that in such a case one either needs to give only one loaf, or one doesn't need to give any loaf, but since the eruv is there, it's enough that they become partners and they become like one house with the other courtyard.

Law 3 – Residents of a Courtyard Who Made an Eruv

Speaker 1:

And so residents of a courtyard who made an eruv, residents of a courtyard who made an eruv, it doesn't mean they are supported by one table, but they made the formal one table, that is that there is one bread that all are partners in, with this **they all became like one house**, they're also called, all these people of the courtyard, like one house. And if they want afterwards to take the courtyard that is already combined, and combine it with another courtyard, **and they need to make an eruv with a second courtyard**, one doesn't need to bring from each one of the residents of the courtyard a loaf, as one would have needed to do in one courtyard, if they are already combined, one only needs to bring **one loaf only. This is what they bring on behalf of the community to the place where they make the eruv with it.**

Discussion: Pat vs. Kikar**Speaker 2:**

Why did he switch from pat to kikar? I don't know.

Speaker 1:

When one makes an eruv what does one place?

Speaker 2:

One translates it will be pat.

Speaker 1:

Yes, pat. Kikar means a round loaf. Pat simply, pat shelemah, a whole one.

Speaker 2:

Yes yes, pat achat or kikar is a pat achat, I mean it's the same thing. Perhaps kikar can be not a whole one, because shitufei mevo'ot doesn't need to be a whole one.

Speaker 1:

Ah, it can be any foods. And here we're speaking of that it's going to be a mavoy that includes the several courtyards. Apparently. I don't know, when one combines two courtyards together, is it called shitufei mevo'ot or eruvei chatzerot? What is called eruvei chatzerot? One says that it becomes like one courtyard. The eruv makes the two courtyards together. One needs a pat shelemah. That was certainly in the law.

Speaker 2:

Okay, do you know that kikar means a slice?

Speaker 1:

I don't know if kikar means a slice. Kikar is another... it's a synonym for kikar.

Speaker 2:

No, he just tried to say a Torah, but perhaps simply it's the same.

Speaker 1:

Very good.

Very good. So that's the novelty, that not... in short, let's say simply.

Law 4 – Five Who Collected an Eruv**Speaker 1:**

The Rambam says further: **Five who collected an eruv**, five... instead of five... earlier he said five people in one courtyard, what he says is apparently simple. They learned, the law goes thus, the order of the law is here, yes? One family needs only one eruv. A whole courtyard that is supported by one table, is one family, needs only one eruv. That means, they don't need an eruv among themselves, but they go to the next house, they only need to bring one loaf. Not only one family or one supported by one table, even simply so a whole courtyard made an eruv, they now become like one house, they send only one loaf. Not only a whole courtyard, even half a courtyard. Five people from the courtyard collected pat, and one goes to carry the pat to the place, to the courtyard where there one places the eruv. The people who collected the eruv, because we now have five loaves that five separate houses gave, **they don't need to bring, they only need to bring on behalf of the five of them one loaf**. It's not that all the loaves need to arrive at the place where one places the eruv. It's enough that one takes one loaf. **For since they all collected they became like members of one household**. With the giving of the loaves themselves they already became like members of

one household, and now one only needs to carry it to the other courtyard with whom one wants to make together the eruv, but they don't need to carry all of them.

Several people, the moment that several people put in their loaves into the, what is it, into the little basket, puts in the... it already became together.

Law 5 – A Father and His Son, A Teacher and His Students**Speaker 1:**

Further, **A father and his son or a teacher and his students who dwell in a courtyard**, who live together in one courtyard, even if they live in separate houses, **they don't need to make an eruv**, they don't need to make an eruv, **and they are like one household**. So here he doesn't say if they eat together. **Even if each one eats from his own and they don't eat in one place**, even if each one eats by himself and they don't eat in one place, **but since they are a father and his son or a teacher and his students behold they are like one household**. Interesting, a rebbe with chassidim. But a father and his son, that means any family. For example, it happens to be that the husband and wife, I know they don't get along, they don't have good shalom bayit, they have two separate kitchens, but it's the same apparently, because a father and his son means together, it means one family.

Discussion: "Dwelling in a Courtyard" – Specifically Alone**Speaker 1:**

Ah, but he says that this is specifically **dwelling in a courtyard**, that means that they are the only ones in the courtyard, so it's implied from the Gemara. If there are others, it's not clear. So it's implied from the Gemara, that the other people forbid upon them. Then they already need yes, even among themselves. They need to make an eruv with the other people, not among themselves.

Speaker 2:

Ah, because they are not specifically eating in one place, they forbid upon them.

Speaker 1:

Simply, yes, you're right.

Yes, he says... no, it could be the word here is, that not, even sometimes they eat alone, he doesn't come every day for breakfast to his father's kitchen, but his father pays for his breakfast, understand? He is one house, he has one economy, for example the bills, there's no separate bank account. But I want to understand, when the Rema said earlier **"that a man's wife and his sons and members of his household don't forbid"**, did he mean to say in a manner when they are supported by his table together, because that's the usual case, or even without that?

Speaker 2: So a father and his son, a teacher and his student also means the same thing, a couple, a husband and wife who for some reason eat separately. Well, about this he speaks of a father and his son, because here sometimes such a thing happens that they should eat separately. That they live separately, not that they eat separately. A normal husband and wife live in the same house, the question doesn't begin. Here is, even if he lives in separate houses, but it's in the same courtyard, and even if they are not supported by one table, that means not always, it's so usual, yes, a Shabbat he comes to

eat at his father's, a whole week he eats in his own kitchen, I know what, it's so.

Speaker 1: Very good.

Law 6: Brothers Who Are Not Supported by Their Father's Table

Speaker 2: Further, together, brothers, very good. A group of brothers who live together, this is more complicated. Brothers, there are brothers that each one has his own house, "**each one of them has a house by himself and they are not supported by their father's table**", they don't eat at their father's, they all got married, each one has his own economy. "**And so the women or the servants who are not supported by the table of their husbands and their masters always**", that's your wife, yes, they don't eat together at the table of their husband and their master, "**but they eat at his table as payment for work they do for him, or on certain good days**", a nice holiday they come up, or when they worked for him and they earned it.

Speaker 1: No, the point is eating at his place.

Speaker 2: Ah, ah, ah, sorry, he means to say... um... sorry, that means to say, eh, they don't eat, that is, part of their wages is that sometimes there's a table where they eat together.

Speaker 1: No, not servants he says the wages, or about the children, on certain good days, I know, Purim he sets up a party for the children.

Speaker 2: "**Like one who dines at his friend's for a week or a month**", like a person can sometimes sit down at a friend's and crash in his house for a week or a month.

Speaker 1: A pity the friend would be so for a month, so easy.

Speaker 2: So it is, "**if there are no other residents with them in the courtyard, they don't need to make an eruv**", one doesn't need to make an eruv. Because that's enough that it should become like one group. Even if they don't eat always, but they are a family, and in... two things, one they are a family, and one, it happens that one eats together.

Discussion: What Does "Like One Who Dines at His Friend's" Mean?

Speaker 1: Right. Does it mean simply a person that you deduce that he dines at his friend's once for a month is not enough, that's what you mean to say.

Speaker 2: That's only an example that gives out what.

Speaker 1: Understand, I'm asking, he says "like". Ah, what is the "like" dining at his friend's? Perhaps the opposite, when one dines at his friend's he doesn't need to make, one is a guest at one doesn't need to make... that Shabbat an eruv.

Speaker 2: But a whole year, yes, a whole year he has no connection because once. But here it's a family...

Speaker 1: Right, but... what is he explaining? I mean he says the opposite.

Speaker 2: Right, I understand.

Summary: The Four Categories of "One Household"

Speaker 2: In short, this is a leniency, yes? That means even if he doesn't eat together, he doesn't live in the same house, it's enough two things.

There is one who lives in the same house, simply that it's not a problem. That means even if they have separate economies, I don't know, it's one house.

There is one who doesn't live in the same house, but he eats together, members of a courtyard who conduct everything together, also is good.

Then there is one who is the same house and live together, and eat together, like the father and his son, also is good. Right?

Then there is one who is not in the same house and not in the same family's, brothers', but they do eat sometimes together, even if not always together, they meet every Shabbat to eat the Shabbat meal together, I don't know, then they need an eruv. Right?

English Translation

And the same thing, to prepare an eruv, and as always the halacha is in such a case, it becomes more than a chatzer acheret (another courtyard), they also need to bring only one pat (loaf of bread) from the entire chatzer, and by whom one will be on the same halacha that one person uses the pat.

Practical Application: A Chassidic Beit Midrash

Speaker 1: So for example, let's say a Chassidic beit midrash where everyone eats seudas Shabbos (Sabbath meal) together every week, it belongs to such a category, but if there are no other people in the yishuv (settlement), in the neighborhood. Everyone comes to seudas Shabbos. From non-Jews one needs sechirus reshus (rental of domain), I don't know. But Jews, who doesn't come to seudas Shabbos? Who doesn't?

Speaker 2: Um... you mean to say if the claim is that the kevius (fixed arrangement) itself doesn't help, if one doesn't have kevius?

Speaker 1: Ah, one doesn't have kevius, once it was, that is he can come in, I don't know.

Speaker 2: He says holy words. But that's only when only the family lives in the chatzer, only the brothers with the father. But, you said the halacha, as we hold now in the middle, if there are other people who live in the chatzer, then it doesn't help, because then it's actually not like one family.

One can make perfect sense, because you can say like a summer camp, as you said, where the setting is that everyone is together, is one family, and lives together. But if there are strangers in the same chatzer, then one makes it a chumra (stringency) on the entire chatzer, and one needs one pat for each one like the rest of the members of the chatzer, because after all they don't rely on one table always. That means sometimes yes, sometimes no.

Discussion: The Rambam's Position – Sleep or Eating?

Speaker 2: So that drives the dispute on the halacha somewhat, the Rebbe will hold that it's not true. The Rambam says that here, if they are "**ochlim al shulchan avihem bishnei batim**" (eating at their father's table in two houses), they need separate eruvim. And mekablei pras (those who receive payment), I don't understand clearly. There must be a distinction if he receives money for the food, or the food he receives from the father, then it's one thing, but if not... I don't have entirely clear what the position is here. I mean, here is somewhat a question about where one sleeps separately, whether one follows the sleep or whether one follows the eating together.

Speaker 1: The Rambam speaks about them sleeping separately.

Speaker 2: Right, he speaks about following the eating together.

Speaker 1: Right, there is somewhat a position of Shmuel that one follows the sleep.

Speaker 2: Yes, that's the Rambam's yeshua (resolution), or there more specifically, on the eating together only from time to time. One needs to look, okay. We'll see in a minute.

Halacha 7: Five Groups Who Spent Shabbos in One Hall

Speaker 2: Further. "**Chamesh chavuros sheshabsu betraklin echad**" (Five groups who spent Shabbos in one hall). You have I don't know what, a hotel, a large palace, and there are five different groups. So, "**im mafsik bein kol chavura vechavura mechitza hamaga'as latikra**" (if one places between each group a partition that reaches the ceiling), if one places a large mechitza that reaches the ceiling, literally dividing the hall into different sections, "**harei kol chavura mehen kebays bifnei atzmo**" (each group is like a house by itself), it's nothing anymore, it's only a mechitza that was now placed. It's separate, if that means like bayis bifnei atzmo, they are separate, "**lefikach tzrichin pas bechol chavura vechavura**" (therefore they need bread in each and every group).

"**Aval im ein mechitza hamaga'as latikra**" (But if there is no partition reaching the ceiling), if it's not a full mechitza, it doesn't reach the ceiling, it's like a large community, but one doesn't say a small mechitza of ten amos or something, but up to the ceiling, that's the measure of the mechitza, "**harei kulan kekahel echad, shekulan ke'anshei bayis echad chashuvim**" (they are all like one congregation, for they are all considered like people of one house).

Speaker 1: Yes. Okay, very good. That means at a Shabbaton, and one is in one hall, does one need to eat from one kitchen, one doesn't need to. But if there's a question it's a hotel, but as one says, one goes in to eat together in the large hall, but there's no mechitza hamaga'as latikra, almost no mechitza hamaga'as latikra, then one needs to be lenient in this position.

Speaker 2: One is in separate rooms, basically. Mechitza hamaga'as latikra, the entire hall is like a few people making a Shabbos sheva brachos in a larger hall that is divided into several sections, and there's dancing right there. If there's a mechitza hamaga'as latikra, it's like each one is a separate party, yes? And they're not... one needs to have a question in the... whether one can carry in the hallways between the various halls.

Speaker 1: One needs to make an eruv, yes. One needs to make an eruv. If it's a city, one needs the entire city, or if it's in the same chatzer, or if there is a chatzer. One needs to look if there is something where there is one who truly the entire house belongs to him, because they are his guests, one needs to know if his guests have rented, and he makes an eruv for them.

Speaker 2: Yes, okay.

Halacha 8: One Who Has in His Neighbor's Courtyard a Gate House, Porch, and Balcony

Speaker 2: Until here the halachos of how we can become like one family as now. Until now we learned about people who don't prohibit, because they are still from the same family or the same chatzer, not the same chatzer, sorry, the same bayis as if.

Now we need to learn, we're going to learn the next bunch of halachos, learn how it's enough that there's one who is yes.

Who means that this is a house, or which house means that this is a house that makes for another dwelling, another like a family which therefore needs an eruv.

In the chatzer, if it's one family, one household, no eruv is needed. Now the question, what happens when there are other people in the chatzer but it's not clear? They don't live fully there, or other sorts of things, one has rights in another person's chatzer to use it and now one needs to make an eruv.

"**Mi sheyesh lo bechatzer chaveiro**" (One who has in his neighbor's courtyard), in the other's chatzer he has a right there, he rented a piece or what? What does he have? He has a beis sha'ar (gate house)! He has there such a little house, called beis sha'ar! A house that has doors, a house that is surrounded by doors.

Speaker 1: No, beis sha'ar is, but beis sha'ar, is a gate one sees sometimes. Sometimes there is such a little house where the guard lives, but it belongs to a second person. For example, his chatzer is next to the other's chatzer, and the beis sha'ar to his chatzer is in the other's chatzer.

Speaker 2: No, no, we don't need to have that here at all. Beis sha'ar is the gate to the chatzer. The gate belongs to the person. Okay. Beis sha'ar, where doors and entrances are is a place where people tread. Or one goes through, or that's the way into the chatzer. Yes.

Or, an achsadra is a porch, if mirpeses... achsadra and mirpeses are two types of porches. Achsadra I think is on the ground level, and mirpeses is a second-story porch. I think that's what I heard.

Beis sha'ar is the gate to the chatzer. The gate belongs to the person. Okay.

Beis sha'ar sheharabim dorsim bo (A gate house where the public treads), is a place where people tread. The public goes through there, everyone, this is the way into the chatzer. Yes.

Or an achsadra, such a porch, **o mirpeses** (or a balcony). Achsadra and mirpeses are two types of porches. Achsadra I think is on the ground level, and mirpeses is a second-story porch.

What's the difference between achsadra and mirpeses? I learn to make the Gemara it's a porch. Achsadra is such an open, such an open room that has no roof. Or it has yes a roof and no walls. Okay. And mirpeses is yes, that one needs to go up with steps to it.

O beis habakar (or a cattle shed), a stable, **o beis hateven** (or a straw house), a place where one keeps straw, **o beis ha'etzim** (or a wood house), a place where one keeps wood, **o stam otzar** (or simply a storehouse), **iz harei zeh einu oser alav** (this does not prohibit upon him), he doesn't prohibit on the chatzer. The people who live in the chatzer are not bothered by the fact that a second person has here some piece of house, such a type of house, in his chatzer.

Why? Because this is not a true room.

Harei zeh einu oser alav, ad sheyihyeh lo imahem bechatzer (This does not prohibit upon him, until he has with them in the chatzer), the other person, the person who has the beis sha'ar, he only prohibits if he has there **makom dira sheyismoch alav le'echol bo piso** (a dwelling place that he relies upon to eat his bread there). Only if he has there in the other's chatzer truly a dwelling where he can sit down

and eat, **le'echol bo piso** (to eat his bread there). **Ve'achar kach** (And after that), if he has such, then **yehei oser alav ad she'ye'arevu imo** (he prohibits upon him until they make an eruv with him), he prohibits in the chatzer, and the only way it will be permitted is if they make an eruv, and it will mean that all live together in the chatzer.

Two Conditions: Dwelling Place and Eating Bread

But what are we dealing with? In these things, he actually uses it, he goes through or he keeps things there, but since he doesn't eat there, he doesn't eat there, he doesn't prohibit.

He says even more, even if he sleeps there. **But a makom lina** (a sleeping place), not that he doesn't eat, if he eats it's not such a type where one can eat, he can eat bread there, but he thinks it's a snack one can eat anyway, he doesn't go sit down to eat a meal. He says, but **makom lina eino oser** (a sleeping place does not prohibit), but a place where one sleeps.

It's interesting, now he goes even more, even when it's not only a place where one passed through, but even if one would have slept there, **aino oser** (it does not prohibit). **Lefikach, im kava lo makom le'echol bo bebeis sha'ar o be'achsadra uvfisch** (Therefore, if he fixed for himself a place to eat in the gate house or in the porch and at its entrance), even if he did fix to eat in a temporary manner, as he said that he can eat sometimes in the beis sha'ar, beis otzar, but he did fix, the person made himself a kevius, even if he did make a kevius, still he doesn't prohibit, **lefi she'eino makom dira** (because it's not a dwelling place), it's not a dwelling place, it's not a place where he lives.

In other words, it stood thus, **ad sheyihyeh lo ima bechatzer makom dira shesomech alav le'echol piso** (until he has with her in the chatzer a dwelling place that he relies upon to eat his bread). There are two conditions, it must be a makom dira, and such a makom dira where he can eat bread. Therefore, even a makom dira, for example a makom lina, one can sleep there, but eat he doesn't go, it doesn't prohibit. The same thing, even if he does fix a place to eat his bread, he set up his kitchen, I don't know what, his dining room table, still, if it's not a dwelling, only a beis sha'ar, **aino oser alav** (it does not prohibit upon him).

Discussion: Dwelling Through Sleep or Through Eating?

Yes, it's interesting, there are two ways how it should be called a person's house, through sleeping or through eating there. Here he says that regarding Shabbos one looks at the eating. So he started with if he has a place where one only goes through or only keeps things, it doesn't prohibit. Afterwards he says, even in such a place if he would sleep, it also doesn't prohibit. It must be specifically a makom dira where one eats.

Yes, exactly. There are two... I know, dira doesn't mean lina, dira means dwelling. Or you can say that dira does mean lina, but it must also be dwelling. I don't know. In any case, there are two conditions, it must be a makom dira, perhaps dira means that he sleeps, I don't know, or dwells. Not a... I mean lina is specifically achsadra, in an achsadra one doesn't dwell, one can eat there every day the barbecue, because it's not a place where one dwells, there's no privacy and such. But a beis sha'ar, a beis sha'ar perhaps for example can yes be if he makes from the beis ha'etzim a place where he sleeps and he eats, it will yes prohibit.

The point is, it must be either a place where one can dwell, before that he says achsadra, beis sha'ar, mefulash (open

through), very good, because these are places where one cannot sleep, because it's a bit open, the public treads in it. But a beis ha'etzim will yes be if he makes himself there a little room where he eats, it will yes be, it means that he eats there, sorry, it means that he dwells there, and it must be mixed.

Halacha 9: Ten Houses One Inside the Other

So until now we learned which type of bayis at all means that the person dwells there, what conditions need to be. The next bunch of halachos can be not such a question whether it's at all a house, but that it's certainly a house, but the question is whether the house belongs, also goes to the other house. There's no chatzer. When there's a chatzer it's certain that everyone who has a house in that chatzer turns in the chatzer, therefore the question begins. But what if there are houses that are open one to the other, but not all cases that we're going to see mean that they have some place, a shared place. Yes? No?

So, he says, **asara batim zo lifnim mizo** (ten houses one inside the other), ten houses that are one in front of the other, like ten sefiros, there's no difference. **Habayis hapnimi vehasheni lo** (The innermost house and the second to it), so, the most middle one, and the one that is next to the most middle one, **hen shneihen osin eruv** (both of them make an eruv). The two of them need to make an eruv. **Ushmonas batim hachitzonim** (And the eight outer houses), the eight of the outer ones, **einin tzrichin la'asos eruv** (do not need to make an eruv).

Why the Eight Outer Ones Don't Need To

So he explains thus, because when there are ten houses one inside the other, in order to reach the most middle one, one must enter, walk through all of them to reach the most middle one. So it's rabim dorsim bahen (the public treads in them), because people go through there in order to reach the most middle one. Harei hen kebeis sha'ar (they are like a gate house), and as we learned that the residents of a beis sha'ar do not prohibit, that makes their house become reshus hayachid (private domain), their entire house is viewed like a chatzer, which is a place where one turns.

Why the Ninth One Prohibits

But wait, but the one next to the most middle one also has a place where one goes through, where one treads. The answer is thus, the most middle house no one treads, only the person who lives there. One before it, the closer to the most middle one, fewer people walk. So the one before the most middle one, there are ten houses, yes? Let's say the fifth is in the middle. It's not in the middle, the innermost is the deepest, where one needs to go through the most to reach. So his house no one walks, so he's certainly a reshus hayachid, in order to go out he needs an eruv. He needs an eruv if there's another person at least, right?

Now the question is, is there another person? Because seemingly all the houses until him are a way in, a beis sha'ar to his house. But the answer is no, the ninth one is not rabim dorsim bo (the public treads in it), because there only two people go, two people doesn't mean rabim dorsim bo. The ninth one only the one person goes who goes into his own house, and the person who goes in through to go to his house.

Why the Tenth One Needs an Eruv

But wait, the ninth house he does yes need an eruv for the reason, because it's not rabim dorsim bo. That means the tenth also needs only because of that, right? No, the tenth

needs simply because the tenth is not a beis sha'ar at all, he lives in his own. But he needs two people for an eruv, right? If all nine would have been a beis sha'ar, no one would need any eruv, because there's only one person who lives here, and nine people are a way in to him. But only one who lives in a dwelling, and all others live in the chatzer. A beis sha'ar doesn't prohibit if there's one person in a chatzer, and all others live in the chatzer, there's no eruv there.

Since there is the ninth one, which the ninth one is one before, by him one person turns plus the one who is the least person, therefore the two people need to give an eruv, need to make an eruv. **Lefikach zeh oser** (Therefore this one prohibits), the ninth person prohibits, he's the one who prohibits, because he's the one who makes it that there should be two houses here. **Ve'efikach zeh oser, ad she'ye'arevu** (And therefore this one prohibits, until they make an eruv) until he goes an eruv. Theirs and theirs, he with the most middle or the most inner one need to give an eruv, yes? Right? Yes. Exactly.

Digression: Kabbalah — Ten Sefiros

According to Kabbalah there are ten sefiros, each is like each of the muses, but only the first two, that's called Keser Chochma, means Rosh Smol as it says in Etz Chaim, about that only their... okay, in short, not now. Whoever wants to learn Kabbalah should come to other shiurim.

Halacha 10: Two Courtyards with Three Houses Between Them

Let's go further. Now we're going to learn another interesting case. Yes, we have a picture of it perhaps.

Okay, **shtei chatzeros** (two courtyards), there are two courtyards, and in both courtyards there are houses that are open to them. **Uveineihem** (And between them), between both courtyards there are **shlosa batim pesuchim zeh lazeh ufsuchim lachateros** (three houses open one to the other and open to the courtyards). There are three houses that are open one to the other, that means that one walks through one to the other, and all three houses are also open to the courtyards.

So like the picture here, let's understand, there are two courtyards, and we now want to make an eruv between the two courtyards seemingly, yes? They are both making eruv, but what then, there's a way between them. The way between them goes thus, one goes into one house, then to a second house, then to a third house, right? That means, you have like three, one needs to go through three houses to get from one chatzer to the other, right? Yes.

How One Places the Eruv

So, what he says is this: what did the righteous ones do? He'eviru, yes? Yes. **He'eviru bnei chatzer zo eruvin**, yes, in short. **He'eviru bnei chatzer zo eruvin derech habayit hapatu'ach lahem**, the people from one of the two courtyards brought the eruv through the house that is open to them, **vehini'chuhu babayit ha'emtza'i. V'chen he'eviru bnei hechatzer ha'acheret**, the people from the other courtyard also brought the same thing, they also brought their eruv **derech habayit hapatu'ach lahem vehini'chuhu babayit ha'emtza'i**. That means, because both courtyards walk through the houses, and both reached the middle house, the place where one puts down the eruv.

Why the Three Houses Don't Need to Give Bread

So, **otan shlosa batim einan tzrichin liten et hapat**, the three houses themselves don't need to give the bread. Only the two people who live in the two courtyards on the sides need to give the bread. Why don't the middle ones need to make a pat? Why doesn't one say that they are also, if they want they can carry out from their house to one of the two courtyards, they need a pat?

The reason is this: **mi shetza'rich einu tzarich, u'mi she'eino tzarich tzarich**. Because one placed the eruv by him, and the halacha is what we learned that the place where one puts the eruv is exempt through giving his house for this, he doesn't need to give the pat.

Halacha: Three Houses Between Two Courtyards — The Two Side Ones Are Beit Sha'ar

He says, ushnayim she'al tzedadav, don't need to make any eruv. Why? **Mipnei shekol echad mehem beit sha'ar lechatzer**.

They learned that a house that is a beit sha'ar, because one walks through it, because it's a shortcut or whatever, it's a path that one walks through to get to the next house, it doesn't prohibit.

So the only one who would have needed to make an eruv would have been the middle one, who is not a beit sha'ar, because one never walks out through it, because one can go, it seems there's another way to get from one courtyard to the other, yes? So he made another wooden... and the courtyard is not a beit sha'ar. Okay, good.

What if there are two houses between the... yes, **shnei chatzeirot**, the same case, but instead of three houses running through between the two courtyards, there are only two houses.

Halacha: Two Houses Between Two Courtyards — Eruv on the Wrong Side

Vehini'chu eruvin, he made an eruv babayit hapatu'ach lahem, vehini'chu babayit hasheni samuch lechatzer ha'acheret. They didn't put the eruv on their side, but they put it on the other side, right?

Right, two eruvin were made, courtyard aleph made an eruv with the people who live near him and he put it in his house, and the other courtyard put it with the people who live in his house, **iz shneihen lo kanu eruvin**. Why? The eruv didn't help. Why? **Shekol echad mehem hini'ach eruvo b'veit sha'ar shel chavairo**.

Discussion: How Does the House Become a Beit Sha'ar?

Chavruta A: Acheret. Since they discussed, the batim that are close to the courtyard is a beit sha'ar. That means, the person who lives in the house of courtyard aleph lives in house aleph. It's a beit sha'ar for courtyard aleph, and one cannot put the eruv in a beit sha'ar. A beit sha'ar becomes connected to the eruv. And they learned that therefore they didn't make a good eruv, so all four may not carry from one to the other. Here, the eruv doesn't work. The eruv doesn't work.

That means, why is it a beit sha'ar? The beit sha'ar is because he needs to go through there to get to the next one, right? That's a beit sha'ar. But they did discuss that they can make an eruv. It's no difference, but you see that one goes there, because you made an eruv. Whatever he made the eruv, he wanted to get there, right? So one goes to get there through the previous house. So if he put an eruv one house over, it's

obvious that the previous house is a *beit sha'ar*, and his *eruv* is in a *beit sha'ar* it turns out.

Chavruta B: So how should he put the *eruv*?

Chavruta A: Simply in the courtyard. He can put the *eruv* if it's connected. They can make an *eruv* together, the two courtyards, but they need to put it in the courtyard, not in the *beit sha'ar*. Not in the wrong one. If they put it in the right one, maybe it's also good, because then it's not in the *beit sha'ar*, understand?

The courtyard put its *eruv* on the other side. Therefore he made the previous house into a *beit sha'ar*. That's how I understand the *halacha*. It seems so, because it became a *beit sha'ar* through the fact that one put the *eruv* on the other side. Because otherwise it wouldn't have been a *beit sha'ar*. That's how I understand it. I don't have a clear proof that this is what it means, but that's how I understand it.

Chavruta B: Yes, yes, that's how it seems one learns it. Yes, he also makes the picture that way.

Chavruta A: No, I mean that's what I understand. I just want to know if that's really how it became a *beit sha'ar*. Had he not put the *eruv* there. That's how it becomes a *beit sha'ar*.

Chavruta B: Why should it be a *beit sha'ar*? It's called a house. What became a *beit sha'ar*?

Chavruta A: It stands to say, one built on the previous *halacha*, that if one goes through there, it's called a house, it's called a *beit sha'ar*. He says this, like most have a path through a house for this, and with this he makes it into a *beit sha'ar*. Very good.

Innovation: Beit Sha'ar is a Concept, Not Just a Fact

In other words, *beit sha'ar* is not a fact. There is such a thing as a factual *beit sha'ar*, a house that is built for this, but also as we learned earlier by the nine houses, *beit sha'ar* is a concept. If it's such a house that one uses to get to the next house, that's called a *beit sha'ar*, and it doesn't need an *eruv*. Okay.

Halacha: A Goses Prohibits the Bnei Hechatzer

Now we're going to learn which type of people prohibit by the fact that they have a house in the same courtyard.

So, I have in my courtyard a neighbor who is a *goses*, he is a *goses*, he is close to death. **Even one she'eino yachol lichyot bo bayom**, even if he won't be able to survive Shabbat, he will die on Shabbat, one would think that he doesn't prohibit, because he's already on his way out. But the *halacha* is not so. **Harei zeh oser al bnei hechatzer**, because in practice, as long as he still lives, even half a Shabbat, he prohibits the *bnei hechatzer*. **Ad sheyizakeh lo bapat**, one must make him acquire with bread like Rav Yosef.

Discussion: Why Would One Think a Goses Doesn't Prohibit?

Chavruta A: What did he mean? A *goses* is dead? What is the *din* of a *goses*? The *din* is as if he's dead.

Chavruta B: The word here is "*echad she'eino yachol lichyot bo bayom*", that that one won't be there a whole Shabbat. We already had essentially the *halacha* that one prohibits even if half a Shabbat he prohibits. By the heirs you also saw this thing, that half a Shabbat is enough to prohibit. I mean, that's the inference here, that half a Shabbat prohibits.

Chavruta A: Look not just how it was *bein hashmashot*.

Chavruta B: Not the opposite, *bein hashmashot* he's living.

Chavruta A: Yes, but I'm just saying the opposite case when in the middle of Shabbat the homeowner will come to the courtyard. It also prohibits, both ways. If it's not the whole Shabbat a *reshut hayachid*, one prohibits it, and one needs an *eruv*.

Chavruta B: Yes, but it seems... again, fine. But what... a *goses* doesn't seem to me one would think... again, taking a true Shabbat, one must think, we've already learned it a bit, we'll learn further what happens. But a *goses* lives, what's the difference?

Chavruta A: Can one count him for a *minyan*? What's wrong with a *goses*? He's in the middle of dying, so what? Why should one think to be a *goses*? He's mostly fragile, but which *halachot* look at a *goses* as if he's not here?

Chavruta B: Yes, there's no *halacha* that I know that a *goses* is already... Maybe because it's difficult, I see that it says here "*ad sheyizakeh lo bapat*". One probably cannot make a *kinyan* by a *goses* with witnesses *shelo befanav*. We learned that one can make a *kinyan shelo befanav*. This he says, go remember that this is not the normal way, this is *bedieved*, so it seems from the Rambam. One can, but the normal way of making is one requests bread, and when it's a *goses* one cannot request bread. So, since it's more difficult, a person would think that perhaps one doesn't need to. That's how it sounds to me.

Chavruta A: But what is the solution that one says one makes a *pat*?

Chavruta B: Another solution, one can actually. So that's the reason why one would think otherwise, because I don't see, I don't think of any *halacha* that a *goses*... perhaps a *kohen* must leave because he might die. I don't know that a *goses* is such a category that he no longer has the *din* of a person. A *goses*?

Chavruta A: Okay.

Halacha: A Minor Prohibits the Bnei Hechatzer

"V'chen katan". A minor, a small child. **"Af al pi she'eino yachol le'echol kazayit"**. A minor who lives alone in a house, and it's relevant, I know, a minor doesn't have ownership. Okay, yes, he lives there. The whole *halacha* doesn't have to do with ownership. He's alone there on Shabbat. **"Af al pi she'eino yachol le'echol kazayit"**, even if he's a child who cannot yet eat a *kazayit*.

Discussion: The Partnership in Bread Works Even When the Minor Cannot Eat

Chavruta A: He's called ownership.

Chavruta B: No, one doesn't say that as if because *kinyan* in the bread doesn't work something for him. One doesn't look at it as if he becomes the homeowner because he also has rights in the bread, he won't eat from the bread. Still it works. And one must make him acquire. So he's not at all relevant to the bread, he's not at all prohibited.

Chavruta A: Yes, he's prohibited, and it doesn't matter to me that he cannot actually eat. It's a formality, he becomes a partner in the bread, and one can be *me'arev*, so he also prohibits.

Chavruta B: It's like this, when without the solution one would when not prohibited, it's like... This can also be the answer for the non-Jews. That one thought, ah, by the non-Jews I don't have a solution, I can't go ask him for bread. He says, there is a solution, one can make him acquire a dwelling, he prohibits.

Innovation: The Topic of Eruv Chatzeirot is Connected to Eating

Chavruta A: One can say more simply, since living has to do with eating, but we know that one must begin to take... The partnership is with bread.

Chavruta B: Exactly, so one who doesn't eat, you see from the fact that the solution is to be a partner with bread, you see that the topic here is that one eats here, yes? Like one says Nefri. A minor, he's not an eater, perhaps he's not a person? The answer is yes, and one must make an eruv, and that's enough. The eruv helps, both for the minor and for the non-Jews.

Halacha: An Ore'ach (Guest) Doesn't Prohibit

The Rambam, which other type of person? But an ore'ach, in one house there is an ore'ach, he is the guest of one of the homeowners. One who always eats, he doesn't prohibit, because it means that where he lives, he is batel to the person by whom he is a guest.

Discussion: Ore'ach in His Own House

Chavruta A: Or even if he lives in an extra house, that I need to know. If he lives in an extra house, but the homeowner of the house is a partner, the homeowner from there is one of the family. Or is he not there? Is he not there? Only here an ore'ach.

Chavruta B: No, he says I mean, an ore'ach, if even he lives alone in a house, and you went to someone, someone gave you his house for Shabbat, you're a guest, it's not your house, you're batel to the rest of the courtyard, regarding the... That's how it seems to me.

Practical Application: Eruv Klali

There is actually a dispute among the Acharonim, I see, below, about the question, an ore'ach who is not in a place that is shared. We don't have the question, because we make anyway, as the Terumat Hadeshen brings, that one makes an eruv klali, one makes acquisition for whoever is there.

Chavruta A: No, it's funny, like one makes an eruv eruv Pesach, why doesn't one make the eruv every week? Do you make an eruv every week? Do you have an eruv?

Chavruta B: No.

Chavruta A: What does one make every week? The eruv chatzeirot? I mean the custom is to make once a year, no?

Chavruta B: Yes.

Chavruta A: So, I ask you, and it actually works with zachin le'adam, it makes acquisition for everyone who will be here that year. So, very good, it's a bit of an innovation of a kinyan, because one makes acquisition for all people and their guests. If a guest doesn't need an eruv it's easier. How does it actually work the matzah that one had?

Digression: Custom of Eruv Chatzeirot Once a Year

Speaker 1: Why doesn't one make an eruv every week? Do you make an eruv every week? What kind of eruv? Do you make every week? The eruv chatzeirot?

Speaker 2: I mean the custom is that one makes once a year.

Speaker 1: Yes. So, one says that one makes acquisition for everyone, that whoever will be here, everyone who will be here that year.

Speaker 2: So, very good. It's a bit of an innovation of a kinyan, but one makes acquisition for all people and their

guests.

Speaker 1: Why a guest doesn't need, the eruv is easier. Until here is actually the matzah that one makes the eruv, it needs to be fresh a whole year, one needs to change the matzah.

Speaker 2: Why does one make it with matzah?

Speaker 1: But that food, I don't know, half a year later hasn't it become stale yet?

Speaker 2: Matzah doesn't become stale. One needs to consider it. According to today's standards, no one would eat old matzah. I don't know, if it's in the box and it's fresh.

Halacha: Why an Ore'ach Doesn't Need Eruv — The Difference Between Ore'ach and Katan

Speaker 1: So on the surface, you mean that the point of the courtyard, of the ore'ach, yes. But seemingly, the simple meaning is that an ore'ach, even when he does have a house, but it's not his house.

Speaker 2: Yes, but ownership prohibits, not sitting there. One must understand what is the Choshen Mishpat ownership.

Speaker 1: But the ore'ach is the ore'ach of the courtyard or of one of the homeowners.

Speaker 2: Yes, it's in the eruv. Because the minor doesn't have ownership from the Torah, yes.

Speaker 1: Perhaps yes. One sees here as if it doesn't have to do with where it seems. It has to do with ownership, but also not. Katan versus ore'ach, yes. A person would think that the ore'ach is much more of a matter in his house than a minor, he has no matter in his house at all. But the minor is his house, the ore'ach not.

Speaker 2: But he has a share in the dwelling.

Speaker 1: I'm telling you, it makes sense. An ore'ach is a guest, he is whatever the eruv of the courtyard is, he is batel to it, he is tafel to it. A minor, if he has his own household, it's his, it's his.

Halacha 13: One of the Bnei Chatzer Who Left His House and Went and Spent Shabbat in Another Courtyard

Speaker 1: Okay. Now what about a person who goes away, travels away for Shabbat, and he leaves his house empty. The question is whether then he's called away, and one needs an eruv for him.

Echad mibnei chatzer shehini'ach beito vehalach veshavat bechatzer acheret, afilu semucha lechatzer. He went somewhere else for Shabbat, even semucha lechatzer. If there are neighbors in the courtyard, so, **im hisi'ach milibbo**, if he was mesi'ach da'at, he stopped thinking about the courtyard, **al da'at lachzor leveito beShabbat zo**, he doesn't plan to come home, **harei zeh einu oser aleihem**, it means as if he doesn't live here, for this Shabbat he doesn't live here.

The Difference Between a Jew and a Non-Jew — "Bameh Devarim Amurim BeYisrael"

The Rambam says, **"bameh devarim amurim beYisrael"**, by a Jew that where he goes for Shabbat, there he makes himself comfortable, on Shabbat he's not "mobile", he doesn't travel around on Shabbat. **Aval goy, afilu halach reshuto be'ir acheret** won't help, even if he went far to another city, **osser aleihem, ad sheyiskor mimenu mekomo**, until one rents from him the place, as we learned earlier that from a

non-Jew one rents. Why? **Shehare efshar yavo beShabbat**, regarding a non-Jew one thinks that he will come on Shabbat.

It's interesting, we're talking here even when he doesn't have to go beyond a techum Shabbos or anything. But for a Jew, Shabbos is a whole thing, he goes away for Shabbos, it's a certain decision, you don't change it. Unlike a non-Jew, Shabbos is for him like any other day, and he goes, he comes.

Discussion: Why Doesn't Hesech HaDa'as Help by a Non-Jew?

Speaker 2: Right, but couldn't that mean hesech hada'as? That he plans to come back after that, it's the same thing.

Speaker 1: You ask him, he says, "I traveled for Shabbos to my father-in-law." But by a non-Jew he doesn't have hesech hada'as, because a non-Jew doesn't have such a thing as going somewhere for Shabbos. A Jew has, you go somewhere for Shabbos, Shabbos is a place where you are. A non-Jew is always he goes, he comes, he travels, he can mean to do something in a while.

Discussion: Is This a Practical Halacha?

Speaker 2: This is a practical halacha. If that's the way, if indeed the way is that the person doesn't come back, then one may need.

Speaker 1: Or I thought that perhaps since when the Jew comes back he couldn't carry in his own house, so he doesn't come back. It's not a matter of techum or anything, but he can't come back because he needs an eruv, and he didn't leave an eruv at home. That's why he doesn't come back, he won't be able to carry.

Speaker 2: One needs to know, but it could be, for example, if he is hisi'a milibo, even if he came back he could carry because... he needs an eruv, then he certainly needs an eruv. He will need it lecho'ora. It could be that if he is hisi'a milibo, that means he's not here, he's not here for the other people.

Speaker 1: Yes, if he doesn't come back, if he does come back then it's kol Yisrael. That's no difference. But it appears from below here that it's a practical thing, one reckons with it. Such a thing that simply he won't come back.

Discussion: "Haholech Lishbos Be'ir Acheres" — Near or Far?

Speaker 2: Okay. What if he's talking... he says "**haholech lishbos be'ir acheres**", are we also talking when it's near, he can come back. If it's far and practically he won't come back...

Speaker 1: With a non-Jew, yes. If he traveled to another... it's very far... "**lishbos be'ir acheres**" means another city, but still it's in the area where he can come back. If it's a great... it's almost not relevant that he should come back, then we don't reckon with him.

Halacha 14: Ba'al Chatzer She'hishkir Batim Shebechatzer Vehinich Kelim

Speaker 1: Okay, now we need to know what if someone rented out his house to another. Not a guest, he rented it out. A socher.

"**Ba'al chatzer she'hishkir batim shebechatzer**", in his courtyard he has houses, and he rented them out **la'acherim**. But he left in the houses things that belong to him. It's normally it appears that the mashkir takes out everything and empties out the house, and with that he shows that only the new person lives there. But he left **kelim o minei sechora**

bechol bayis mehen. He left his things. That means, it looks like such a "short term rental" that he rented out, but he still keeps his things there.

Speaker 2: No, I would say like a person takes someone into his house, but he still has everything there. Not like someone who has a "rental" that's empty and only that person's things lie there.

Speaker 1: "Einam osrim alav", the people who rented don't prohibit it, and it's still called like a house that belongs to one person, and if that person was me'arev it's good. Why? "**Vehu sheyesh lo tefisat yad bechol bayis mehen**", he still has a tefisat yad, he still has a connection there through his things that lie there, his things. He's always coming to pick up, carry, bring his things. That makes him still belong in the house. So what are the people? The people are "**na'asu kemi shehem orchim etzlo**", they pay him money to be able to stay by him. He doesn't look at it like it's now become their house, because if it became their house he wouldn't be able to move around there. The fact that he moves around there, or it's clear that he has the right to move around there, makes him remain the ba'al habayis, and the people who live there are his guests.

The Rambam's Distinction: Only When He Left Things That Are Assur Letaltel

The Rambam, "**bameh devarim amurim? Shehinich sham davar she'assur letaletlo beShabbos, kegon tevel**", like tevel which is forbidden, he left there things that one may not be metaltel, for example tevel which we learned that you may not because of mechamas gufo because it's not ra'uy for anything because one may not ma'aser on Shabbos, or **vehashusha**, a large piece of metal that one may not be metaltel on Shabbos, for example a kli shemelachto le'issur, there is regarding what one may be metaltel letzorech gufo uletzorech mekomo, but things that he can't move away, with that he makes certain that the whole Shabbos his things still lie in the house, he still has a tefisat yad.

But if there remained in the house only **kelim shemutar letaletan**, then we don't look at it like he still remains the ba'al habayis and they are guests. Why? **Ho'il ve'efshar sheyotzi'em hayom velo yisha'er lo sham tefisat yad**, it's possible for him to take out his things on Shabbos and nothing will remain for him in the house, **harei elu osrin ad sheye'arevu**, then the socharim do look like they become the new ba'alei batim, they prohibit until they make the eruv.

Discussion: The Nature of Tefisat Yad — Practical or Lamdish?

Speaker 2: It's an interesting halacha, because he has the possibility. One needs to think, for example if he has a thousand objects, he needs a "moving truck" for that, would it be different? Or because he technically could? Perhaps there's no reason to be metaltel so many millions, one may not a whole treasure? He grabs tevel vehashusha, because he has the right to, because he can technically take it out. It's an interesting halacha. It's a way that he retains tefisat yad in the... but there still remains tefisat yad.

Speaker 1: But we're saying that it's not called tefisat yad because he has the "potential" to take it out, he has the right to take it out.

Speaker 2: I'm asking, he left a whole full house with things. It's the opposite, it still belongs to him. If he takes it out, is

that what's going to happen, he'll come in and take out and he'll run?

Speaker 1: As you see now that things that he can use on Shabbos, it doesn't help. Because tefisat yad appears not to be a practical thing that he'll carry it out, it's more like a lamdish thing. That he doesn't completely give over the house.

Speaker 2: Right, he still has part of the...

Speaker 1: Yes, but the fact that he can, halachically he can, but it will take him ten hours to unpack his whole bookshelf with all his closets, why shouldn't that be called that he makes enough tefisat yad?

Speaker 2: Ah, I don't know.

Speaker 1: I think that because of that it appears that the point is, because in any case he can lose his tefisat yad on Shabbos, because he can take it out. The question is, why should we say so? Why because he can lose his tefisat yad should we say as if he's already lost it?

Speaker 2: I don't know.

Speaker 1: Okay. That's the point, it's not that he's already lost it. Such a thing that's not stuck there, it's not yours, that's not called tefisat yad. Regarding this, by the way, perhaps there are other halachos that make a distinction. But regarding Shabbos, that you should say that you're standing here in my house, and therefore you're a merchant, which is a proper merchant, and the ownership passes to him as if, that far not.

Transition: Halachos When One Didn't Make an Eruv

Speaker 1: Okay, anyway, that until here are the halachos that talk about which sort of person or house becomes prohibited. Now we're going to learn the whole next, I mean the rest of the perek or more or less, we talk about halachos that if one didn't make an eruv actually, one forgot or one, I don't know, there's no difference in the level of forgetting, but one didn't make an eruv, one needs to know what one may do. That means, how much means what will one be able to do? There are a few things that one may indeed carry, or more precisely what one may even without an eruv. One needs to learn what's called part of the chatzer, or part of the house, and the like. Because the halacha is not no reshush. The whole chatzer is anyway a reshush hayachid. If there's a place that belongs to me as my house, it means of course that I can go over from my house. One needs to know all the details where each piece belongs.

Speaker 2: If there's a way that in the chatzer should mean we are a place, yes? That's the...

Speaker 1: Right. **Anshei chatzer sheshachechu velo eirvu**, they didn't make an eruv, they forgot, so we know the halacha that one time to mevatlim reshusham. Velo chatzer levadim... that's the issur chachamim that one may not carry in the chatzer before one makes an eruv.

Speaker 2: Ah, because what may they indeed? There's no distinction shachechu, true. Lecho'ora velo ervi... simply such is also the same thing, no?

Halacha 15 – Anshei Chatzer Sheshachechu Velo Eirvu: Metaltelim Kelim Sheshavsu Bachatzer

Speaker 1:

One needs to know all the details, where does each house piece belong? If there needs to be a way that in the chatzer should mean we are a place, yes? That's the...

Anshei chatzer sheshachechu velo eirvu – they didn't make an eruv, they forgot. So we know the halacha that one carries from batim lachatzer and from chatzer labatim, that's the issur chachamim that one may not carry in the chatzer before one makes an eruv. But what may they indeed do? There's no distinction shachechu, a mavoy shelo eirvu simply so is also the same thing, no? What is there the halacha that only if they forgot it? Perhaps certain communities will be only about shachechu? If they did it bemezid and didn't make an eruv will one not permit? One doesn't know, he doesn't say. Anyway. One hasn't seen such a thing, because practically, a normal chatzer makes an eruv, a Jewish chatzer will. I don't know.

Okay, but what may they indeed do? **They may be metaltelim in the chatzer, metaltelim kelim sheshavsu bachatzer.** Kelim that were lying in the chatzer when it became Shabbos, they may carry around the kelim in the chatzer, and in general what's considered in the chatzer, also the corners, whatever is not reshush hayachid in the chatzer, everything that has the halacha like the chatzer, they may carry around the kelim sheshavsu bachatzer. Because the issur is only carrying from reshush hayachid to the chatzer, but in the chatzer itself, one also may not bring into the chatzer even if they didn't carry it, but some kli that belongs to a reshush hayachid in the chatzer. But the things of the chatzer we may carry in the chatzer. Because the whole issur was only because it looked like one carries from reshush hayachid to reshush harabim, but when one carries only in the chatzer itself, there's no problem.

Anshei Mirpeses Ve'aliya She'eirvu Le'atzman

Further, **anshei mirpeses ve'aliya**, in the chatzer there was a two-story house, and there was a porch or a floor, **ve'eirvu anshei chatzer le'atzman ve'anshei mirpeses le'atzman**. Another case, one didn't make any eruv on the whole reshush hayachid, but the two people who live together on the mirpeses or... anshei chatzer, anshei mirpeses if they make two eruvim, one only for the mirpeses and the aliya, they made an eruv, and the people in the other people in the chatzer made another eruv.

Speaker 2:

No, one must remember the previous prakim we learned when one may make separate eruvim, and regarding mirpeses there's a whole division, one can make separate eruvim.

Speaker 1:

He says, not so **anshei mirpeses ve'anshei aliya, may be metaltelim kelim sheshavsu bevatehem bechol hamirpesos uvechol hanechshav ima**. All kelim that were on the mirpeses and on the area that's considered a part of the mirpeses, **o bechol rochav ha'aliya uvechol hanechshav ima**, they may carry, because that's called one reshush.

Ve'anshei chatzer metaltelim bechol hechatzer uvechol hanechshav ima. They may not carry from one to the other, but each one may carry wherever in the mirpeses or in the chatzer.

That's not the chiddush, the chiddush is lecho'ora the **bechol hanechshav ima**. We'll see soon what means halachos, what is nechshav ima, that's a chiddush.

Vechen im haya yachid dar bachatzer veyachid dar ba'aliya, that means if there's only one person in the chatzer and one person in the aliya, by themselves they don't need any

eruv. **Veshachechu velo eirvu**, so they may **metaltelim bechol ha'aliya uvechol hanechshav ima**, and they may **metaltelim bechol hechatzer uvechol hanechshav ima**. The same thing.

Halacha 16 – Sela O Tel Shechatzer: Dinei "Hanechshav Ima"

And now the Rambam goes to explain more the nechshav ima, how one is metaltel in the chatzer. **Keitzad?** Simply in the chatzer there's a sela, a stone, or a tel, a mound, **vechayotza bo shesetoch hechatzer**. How? **Im hayu gevohin asara tefachim, harei elu nechshavim bein hechatzer uvein hamirpeses**. Both reckon it like it's one reshus. Yes, both the sela and the tel belong both to the chatzer and to the mirpeses. Memila, **shenei ha'osrim lo yavi'u lesham kelim sheshavsu bevatehem**. And both may not bring there kelim that were in other places, were in the batim. That means, it's separate, it's a third reshus kiveyachol.

But the opposite, bein hechatzer, it's less than ten tefachim, then what is it? Not a reshus le'atzmo. Memila, it belongs to both. How does the tel lie? In the chatzer. So the tel belongs to both, no one... yes, both may carry "kelim sheshavsu bachatzer", but both may not "kelim sheshavsu babatim", because that means like a shared space and they didn't make any eruv between themselves. That means, "kelim sheshavsu bachatzer" they may, but "kelim sheshavsu babatim" they may not. And here he says, "**asurim lehotzi kelim sheshavsu babatim.**"

Understand?

Sela Gavoh Asara Samuch Lamirpeses

Ve'im haya gavoh asara, verubo nichnas lamirpeses pachot me'arba'a tefachim, then **harei hu nechshav im hamirpeses sheraglam shava ba**, which is high, it's closer to the mirpeses, not closer, it's only less than four tefachim away from the mirpeses. Memila, both it's ten high, it's like a reshus le'atzmo which is not part of the chatzer, and both to whom does it belong? It belongs to the mirpeses, because they can use it, there's shava ba. Memila, **benei hamirpeses mutarim**, they don't need any eruv between them and the sela, whatever it is, why? Because it's reckoned to them, right it's a part of the mirpeses, and the people of the chatzer may not may not.

Umaruchak min hamirpeses yoter me'arba'a tefachim, then even it became forbidden, one doesn't look at it like it's only a part of the mirpeses, rather one looks like it's relevant to both, like **it's ra'uy livnei hechatzer uvnei hamirpeses. Why? Lefi shesheneihem efshar lahem lehishtamesh bo milema'ala bizrika**. Both can use the place through throwing. As they already learned the halachos in the previous perek, the benei hamirpeses can, there are four tefachim moved, it's not that it's right next to the mirpeses that it's easy to use, but they can use it through throwing, they can throw things on it. And so can the ba'alei hechatzer. So both are even, and therefore "**asurim lehotzi lesham keli habatim ad sheye'arevu.**"

Ah, good. Yes.

Matzeva Rechava Arba'a Tefachim Lifnei Hamirpeses

Oso matziva. Another such kind of case. There's once here a matzeva, **rechava arba'a tefachim, lifnei hamirpeses**, a step, yes, what is a matzeva? A piece of stone. And it leads from the chatzer, and it lies next to a mirpeses. Then one looks

at it like the stone divides off the mirpeses, so to speak, there's a special large thing next to the mirpeses, it's like a fence, and that makes the mirpeses not a part of the chatzer. And from that one from the mirpeses **oser es benei hechatzer**, let's say the person from the mirpeses didn't make an eruv, he won't prohibit on the benei hechatzer, because **shekvar nechleku mimenu**, the matzeva rechava arba'a tefachim makes that the mirpeses should be a separate reshus by itself.

Speaker 2:

Why does it become a reshus by itself? Why is four tefachim enough?

Speaker 1:

No, no, this is a monument, this is a marker like this. What's the point? That now they are completely separate, they have nothing to do with the courtyard. So the novelty isn't that they can't carry in the courtyard - they couldn't do that before either. The novelty also isn't that they don't prohibit. They didn't prohibit before either. What they prohibited before was the items within the courtyard, the part below, the prohibitions that are in front of the balcony - that was both in one throw. Now that they made the monument, they say, we have nothing to do with the courtyard. The monument shows that the part doesn't belong to him. Because between the balcony and the rock there is a monument, he won't go over to throw things. Right, it's a marker, I won't. It's actually not possible, but there is a marker, therefore he is separated. Therefore it makes it so the rock doesn't belong to him, rather it belongs to the courtyard. And therefore the courtyard may indeed carry to the rock, but not the balcony, because it's in the other courtyard.

Law 17 - Projections Extending from the Walls

Further regarding the projections that sanctify, it's like this: **projections extending from the walls**. The Mishnah says, a projection is when a stone or board sticks out from the wall, one can hold things on it or whatever. So it's like this: **anything that is below ten tefachim is considered like the courtyard, and the members of the courtyard use it**, meaning it's a part of the courtyard. **And anything that is within the upper ten tefachim adjacent to the upper story**, but in the higher ten tefachim close to the second floor, then we view it as a part of the upper story, of the floor. Then the members of the courtyard may not use it, rather **the people of the upper story use it. And what remains between the lower ten and the beginning of the upper ten, neither these nor those go out there**, this is between the uppermost ten tefachim and the lower ten tefachim, **both are prohibited from it**. Why? Because this belongs, as it were, this is a place where both can use, like the diagonals. Because this is convenient where both can use it, like with the ladder that both use, like the throw, meaning it's a shared space, and they didn't make an eruv, **both are prohibited from it. And if they use it with vessels of both together, they have no eruv.**

Law 18 - A Pit in the Courtyard

Very good. What happens in such a case, there is a pit in the courtyard? Very good, it depends what's in the pit. So it's like this, if there were things in the pit that he cannot remove, for example **it was full of tevel fruits**. The pit is full of tevel fruits, tevelim, as the Rambam's language is tevel. Tevel fruits, one doesn't say tevel fruits, does one say such a thing? Tevel

fruits, one doesn't say such a thing. Tevel usually means tevel fruits. He made an eruv with tevel, meaning one apple. Tevel is a category. Just like when one says ma'aser, but tevel fruits, I don't know if there is such a definition. In short, it's not important. Tevelim fruits, fruits that are tevel, **that are forbidden to move on Shabbat and the like**. A pit, sometimes people used to keep fruits in a pit to keep them cold. So it's like this, if there lie fruits that are forbidden to move on Shabbat and the like, then we view the pit as having become full with something that stays there, because one may not remove it on Shabbat. **It and its space are like a ladder hanging in the courtyard.**

And what will be the law? **If it was ten high, it prohibits, and if not, it doesn't prohibit. It is considered a partition.** Because we view the tevel that fills the pit, it's as if the pit had become filled with some solid thing, or whatever, because he cannot remove it on Shabbat. But if the pit became a... ah, a pit with the rings, the wall around it. Yes. Okay. But if **it's full of water**, then they can use it. Therefore we go back to the previous law, that a thing that both can, meaning like both use.

A Pit Full of Water

Speaker 1: But if it was full of water, but if the pit was filled with water, ah, a pit with its rings, the wall around it. Yes. Okay. But if it's full of water, then they can use it. Right. Therefore, we go back to the previous law of a thing that both can, meaning like both use, **they place but don't make an eruv, they bring vessels into the houses until they make an eruv.**

Right. Eh, why shouldn't we say that if it's close to the balcony or to the upper story, they should be able to use it, just as we learned the law for a rock? Does that mean it, or is it different from a rock?

He brings that it's different from a rock, because, he brings from the Gemara, that a rock, if it's ten tefachim, the upper ones use it. By a pit, it happens very often that the water goes down, therefore it's further difficult for both. Therefore, by a pit of water it doesn't help that it's ten tefachim and it's closer to the balcony, rather both may not use it.

Discussion: Fruits vs. Grain - What is Movable on Shabbat?

Speaker 2: I could actually make the distinction between the house, if it was full of fruits, not grain, we don't view it as a full thing, because one can remove it on Shabbat, just like the water because one removes it on Shabbat. Ah, why isn't that said?

Speaker 1: Ah, by that I say, because then the law would be, apparently, if it's just a thing that isn't water, we go back to the previous law of a rock. Both use it? It depends, if it's closer to the upper story, they should be able to.

Water there is a new decree, a third law actually, that water, even if it is indeed closer to one, they cannot use it, because water changes. No, because water often changes, the water goes down in the middle of Shabbat, or it happens a lot that the water goes down, and then, even if it's closer to the upper story, it will be harder for them to take, therefore both is with difficulty, meaning both use with difficulty. Right.

Speaker 2: Aha. So you're right that the intermediate case isn't stated here, but apparently by the intermediate case the law will be like the normal rock, that it depends how close it is. If it's close to the balconies, only the balconies. So water is

something special, because both need water, and water sometimes dries up. So water is a thing that is... wait, becomes another law.

But the previous law is also so, even when it's full of grain that's the law. There's no distinction. So the meaning of movable on Shabbat isn't different. Perhaps the novelty is... what is... ah, perhaps yes? No. Ah, no, no, sorry, I'm getting confused.

Speaker 1: Every thing that is movable on Shabbat is the same thing as water, because it can change in the middle of Shabbat, so it may not remain ten tefachim. Understand?

Ah, so what you're asking is a bit interesting, how he could have stayed with the same story and said if it was fruits not grain. No, I mean it's the same apparently as... not the opposite of what I said. I mean it's apparently the same as any thing that is movable, because just as it's still fruit, it's not stable, so it could be that it changes, it becomes lower, it becomes further, and the like.

So he wants to say a novelty here, that even if it's grain fruits, we view it as if it were full of stones or whatever, because one cannot change it. Very good. Anything that changes is a problem.

Two Courtyards, One Inside the Other

Speaker 1: Okay, now we're going to learn about two courtyards, one inside the other, one inside the other. One must know, of course, that they need to make an eruv, as we learned before, if they want to carry. But what if only one of them made an eruv, what is the law? Whom does it prohibit?

So it's like this, **two courtyards one inside the other**, and it turns out that the one who lives in the middle one, the deeper one, must walk through in order to get to his house, or to go outside he must walk through the other. **And the people of the inner one go out and come in and pass over the outer one.** But the outer one never needs to go into the other courtyard, because he can go from his courtyard and go out, he's already in his house. But the inner one must go through.

The Inner Ones Made an Eruv but Not the Outer Ones

So it's like this, **the inner ones made an eruv but not the outer ones**, meaning only the innermost ones made an eruv, the owner of the inner one will be able to carry in his courtyard, he may go in his courtyard, he may carry from his house to his courtyard. But **the outer one is prohibited**, the outer courtyard is prohibited, because on the outer one there are two partners, because he walks through.

The Outer Ones Made an Eruv but Not the Inner Ones

Conversely, if **the outer ones made an eruv but not the inner ones**, then **both are prohibited**. Why? **The inner one, because they didn't make an eruv**, because they didn't make an eruv. But also the outer one won't work. Why? **Because they made an eruv but not those who pass over them**, because there is someone who lives as if in his courtyard, because he goes through there, and he doesn't have an eruv with him. So the eruv of the outer ones alone doesn't work without granting the other one with the eruv.

Each Made an Eruv for Itself

Each made an eruv for itself, then this one is permitted by itself and this one is permitted by itself,

but they don't carry from one to the other. Meaning, why? Because if the inner one did indeed make an eruv, even though he goes through the outer one, it appears that with the fact that he made an eruv he separated himself, he said that by me here inside is a courtyard by itself, and there is a courtyard by itself. So each one may carry, but one may not carry from one to the other.

The Principle: A Foot Permitted in Its Place Doesn't Prohibit Outside Its Place

But his walking, the inner one when he walks in the outer one, why doesn't he make it prohibited? Because here we'll see the principle. Why does his making an eruv by himself help? Yes, it helps, because that separates him. The moment he is permitted by himself, he has his own courtyard, meaning as if he no longer turns in the other's courtyard. This is the principle of **"a foot permitted in its place doesn't prohibit outside its place"**, this will demonstrate the principle.

Okay, very good.

One of the Outer Ones Forgot and Didn't Make an Eruv

One of the outer ones forgot and didn't make an eruv, one of the outer ones didn't make an eruv, and the inner one did make one, then **the inner one stands permitted**. Even though they need to... yes, the inner one is no problem. But conversely, it stands permitted, and he will also be able to carry to the outer one? No, he may not carry to the outer one at all, in any of the cases.

Speaker 2: What does "the inner one stands permitted" mean? What would have been the assumption?

Speaker 1: Enough for the next assumption. Okay, let's see. **"But if the people of the inner one made an eruv and the people of the outer one didn't make an eruv, the people of the outer one are prohibited, why? Because the people of the inner one who made the eruv for themselves."** Because the inner one walks through the outer one, and therefore every time he walks through he nullifies the eruv as if, because he is the person for whom they didn't make an eruv, and he doesn't have an eruv by himself at home. The moment he doesn't have an eruv by himself at home he also prohibits outside.

And therefore, if only one of the inner ones forgot to make an eruv, it turns out that no one may carry anywhere, in any of the two courtyards.

The inner one doesn't spoil any eruv, and the outer one, even though they have their own eruv, but they now cannot make their own. They can only make their own eruv when the inner one has his own eruv. Wonderful.

Both Made One Eruv

They Placed It in the Outer One

What happens like this, **"both made one eruv"**? What is when they make the same eruv? The inner one and the outer one made one eruv. Then it depends where they placed the eruv.

"If they placed it in the outer one, and one of them forgot and didn't make an eruv", yes, if they place the eruv outside the house, and one of them, no difference which one, **whether from the people of the outer one or from the people of the inner one**, forgot to make an eruv, **"both**

are prohibited until he nullifies". The person who didn't make the eruv must nullify his domain. Rabbi Ovadiah of Bartenura writes, we already learned that there is such a thing as nullifying from courtyard to courtyard, one can nullify the domain of one courtyard.

The point is, what's the problem here? If one of the outer ones forgot to make the eruv, it's obvious, right? That it's prohibited for everyone. If one of the inner ones forgot, further, since his eruv is outside, and he must get there actually to make his eruv, you can't say that by him at home there is a valid eruv, because there isn't, his eruv lies there. So one can't count the eruv only for the inner one, because one must get to the outer one actually to go to the eruv. It turns out that both are prohibited. There is a solution of nullification, okay.

They Placed It in the Inner One

But **they place the eruv in the inner one**, both placed their eruv inside, then there is one way that it doesn't disturb. And then it depends who forgot.

If **one of the outer ones forgot**, it turns out what? The outer one indeed doesn't have an eruv, but **the inner one does have an eruv**, because they didn't forget, and their eruv lies there, **the inner one is permitted in its place**.

But if **one of the inner ones forgot and didn't make an eruv**, and he must still get to the outer one, sorry, and by him there is no eruv, because he didn't make an eruv, he didn't make an eruv, he's not there. Now the eruv does lie by him, and by him there is no eruv, because he forgot.

What about the outer one? Further, the outer one must go, the outer one doesn't have an eruv. Generally, when the inner one doesn't have an eruv, the outer one also doesn't have an eruv. This is the great principle in Torah. **There is no such thing that the outer one has an eruv and the inner one doesn't**. There is such a thing that the inner one has and the outer one doesn't, but there is no such thing that the outer one has and the inner one doesn't, since he goes through there, and a foot prohibited in its place prohibits you in your place.

One Person Lives in This Courtyard and One in That Courtyard

If there is only one person in the two courtyards in each, two small courtyards, **and one person lives in this courtyard and one in that courtyard, they don't need to make an eruv**. Why? **Rather each and every one carries in his courtyard**.

Why doesn't it need to be? Why? Even though one goes through the other? No, we're not talking about when there's one inner and one outer. Of course it's inner. Yes yes, we're talking like that. So why doesn't one need to? We see that one person doesn't disturb.

Speaker 2: I don't know. I thought before that one person does disturb. Long before, when inner and outer we did talk about one disturbing. Right, so why is—

Speaker 1: Aha, the answer is that he is, as it were, as it were, he actually may not carry out, regarding the law he may not carry out. That's the meaning. That each one in his courtyard, since the individual inside may, because he has only one person, he is permitted in a private domain.

Three Courtyards Open to Each Other

Speaker 1: Long before, when inner and outer we did talk about one disturbing.

Right, so why is... so why am I upset? Ah, the answer is that it's a decree upon a decree. He actually may not carry out, in any case, he may not carry out. That's the meaning. That each one in his courtyard is prohibited. Not relevant, since the individual inside may, because he has only one person, he is permitted in his place, and when he goes out he doesn't disturb.

Ah, in the courtyard one doesn't need an eruv, because there is only one person. Aha.

The Law of a Gentile in Inner and Outer

And what about a gentile... you would also have had to say that he doesn't need an eruv, I mean he's a gentile, and he's also only one in the courtyard. But even an individual or even many, in the outer one until they make an eruv and rent from him first. Why? Apparently because the gentile is the decree that a person shouldn't live alone with a gentile. A gentile who lives in a courtyard, even in an inner and outer, is still the same thing, one can learn from the gentile, one Jew and one gentile. Therefore the gentile is like many, therefore the gentile also prohibits on the outer one, and they must make rental of domain from the gentile.

Translation

What if there aren't two courtyards but three? Yes? **Three courtyards that open into one another, and there are many in each courtyard**, and in each one of them there is more than one house. So, **the two outer ones made an eruv with the middle one**, the two outer ones made an eruv with the middle one, then **they are permitted with it**, the middle one may go to the outer ones, **and it is permitted with them**, and they should also be able to go to the middle one. But **the two outer ones are forbidden to each other until all three make an eruv**. This is seemingly simple, right? Because the outer one on one side didn't make an eruv with the extreme outer one on the other side, he only made it with the middle one. But the novelty is that they don't forbid him. The whole time both meet in the middle, but it doesn't interfere that the eruv of the two sides should now remain an eruv.

One Individual in Each Courtyard

But if **there were many in each courtyard**, if each one of the three courtyards has only one house, right, only one person, even the middle one is used to walk through, right, but **one doesn't need an eruv**, you don't need an eruv, because one person doesn't need an eruv. Therefore, even though he goes through a place where it turns out there are two people, it doesn't matter.

But, if there are two in the innermost one, **since it is forbidden in its place until they make an eruv**, they are forbidden in their place until they make an eruv, they are forbidden in the middle one and in the outer one until they make an eruv with the two from the innermost one.

Principle: A Foot That Is Forbidden in Its Place

See a principle, ah, now he's going to explain the principle. **A foot that is forbidden in its place**, a foot that walks through, but in its own courtyard it didn't make an eruv, **is forbidden in its place**, in its courtyard it couldn't carry out from the houses, **forbids not in its place**, when it has a right of passage in the outer one, it forbids it, because... yes.

But **a foot that is permitted in its place**, if a... yes, he divided himself, there is his place and there is his place, he doesn't get mixed with the other. It's not a fearful reasoning, but this is the principle. Okay, until here is the situation.

Two Balconies One Above the Other — Drawing Water from a Pit

Now we're going to learn a few more interesting cases that we need to know whether they're called two houses or two courtyards that need an eruv. Yes. So, here we're going to talk about when... how the houses in the courtyard can draw water from a water pit. This is indeed a problem, because to draw water you need to have an eruv. Now we're going to talk about ways how one may or may not be allowed without an eruv.

So, **two balconies, one above the other, two balconies, one above the other**, below there is a well that each house tries to draw from that well.

So, we've already learned the law earlier in the laws of Shabbos actually, that in order to be able to lift out, when you draw from the well that is in your private domain, you make a partition from above of ten tefachim, so it shouldn't look like you're drawing from another domain.

So even if they each made a partition ten tefachim high, which is a permit regarding the carrying out, there still remains a question of eruv if there are two, because when you draw your water you're carrying through the other person's partition that he made.

When They Are Within Ten Tefachim

So, **if both balconies were one above the other within ten tefachim**, that means, there are ten tefachim from "now or", **it is appropriate to forbid them from drawing until both make an eruv together**, and we're already **one balcony**. We look at it as one balcony, which becomes like a courtyard, and when two people try to carry from their private domain through a shared domain, they need an eruv.

But **if there were more than ten tefachim between them**, then **each one is by itself, both are permitted to draw**, because we don't look at it as if you're entering the other's domain. They're external domains.

The Upper One Didn't Make a Partition and the Lower One Did

But **if the upper one didn't make a partition and the lower one did**, only the lower one made a partition, then the upper one may not carry because he has no partition, but the lower one also may not carry now. **Even the lower one is forbidden to draw, because the upper one is forbidden upon him**, it's still the law of the treading of the foot, which is forbidden in its place. So the treading of the foot he has, but he doesn't have an eruv, therefore you become mixed with him, you must make an eruv with him.

But the reverse is still permitted. **The upper one made a partition and the lower one didn't**, he has a partition and he has his eruv, **even the upper one is permitted to draw**, because only the lower one has the treading of the foot such that one goes through his domain.

Partners in a Partition

What happens if below stands between the lower one and the upper one a partition that he made? If they both made the same partition, they together built a partition that should run between both houses? Because they were partners, they paid money? Yes, they built it together. And it's still, even if it's not

ten tefachim, that's the novelty. "Rather they don't permit above until they make one eruv", because here they do enter into the shared place.

Speaker 2: I just want to understand, earlier we said that if it's ten tefachim they become one, like one pipe. And here you see that even if they're not, that is, they made only one partition, but both paid for it. That means, it's not a shared place, only the upper ones. It's talking about the upper ones. The upper one made a partition. Seemingly the upper one would be, but the lower ones would be forbidden, why? Because there are two people there, right? But that doesn't help, why? Because they are partners in the partition. If they are partners in the partition, they have indeed like no treading of foot conversely, he can go above, but not where the partition is. The partition is below. Regarding the permit of the partition, there's no distinction where the partition is, it just needs to be ten tefachim. So since it also belongs to them, they need an eruv with the other floor.

Speaker 1: Okay.

Three Stories One Above the Other

What happens if there are three? **Three stories one above the other.** What happens if there are three floors? There are three such, it's a house of three floors, and all draw water from below. Or not necessarily water, the same question. Okay. **Three stories one above the other,** and the situation is thus: **the upper and lower belong to one person,** the uppermost and the lowermost belong to one person, and in the middle lives another person. So **he may not lower from the upper to the lower,** the person may not lower his from his upper domain to his lower domain **through the middle,** because he's actually carrying from his domain to his domain, but he's going through a third domain. **One doesn't lower from domain to domain through a domain.** But **one lowers from the upper to the lower not through the middle,** if he has a way, that is, there must be a porch, the

lower one has a porch or something like that. Without going through the middle person's domain.

Speaker 2: Can you perhaps insert the picture?

Speaker 1: Ah, I understand what you mean. Very good.

Two Stories Opposite Each Other — Pouring Out Water

What happens, the Gemara says, **opposite each other?** A new case. **And one lower courtyard in which five dwell,** they've already learned in the topic that one can sometimes pour out water. So okay **they may not pour into it until the two make one eruv,** because both pour water into the same place, right? It's a law how one may pour water, one must look in the laws of Shabbos. They want to use a shared area to pour out water there, one may not do it.

Ukah — One Has and One Doesn't

Now, if they learned that here there is that one must make an ukah if it goes directly into the public domain, so it shouldn't look like one is pouring out into the public domain. So **some of them made an ukah in the courtyard to pour water into it, and some of them didn't make one,** and the person who didn't make one wants to pour into the other's ukah, he may not. So **those who have an ukah pour into their ukah, and those who didn't make one may not pour into the courtyard until they make an eruv,** because he wants to use another domain, because he's transgressing the enactment. The one who does have an ukah, but he may, because the other isn't doing anything of his, right? But the other may not, because one must make an eruv. Why? Because now there are the second people in the courtyard, he may not even pour into the ukah, right? Makes sense? Because it's still a mixture that is forbidden.

But if both have an ukah, each goes to his ukah, and they're basically not mixed at all, and therefore they don't need an eruv.

Makes sense? Until here Chapter 4.