

Laws of Eruvin Chapter 6 (Auto Translated)

English

Auto Translated

Shiur Overview

Rambam Laws of Eruvin Chapter 6 – Eruv Techumin

Introduction to the Laws of Eruv Techumin

The Common Element of All Eruvin

All three types of eruvim – **eruv chatzerot** (including shitufei mevo'ot and eruv medinah), **eruv techumin**, and **eruv tavshilin** – share the same foundation of "**eruv**" – **mixing**: a piece of bread (pat) can **change the halachic reality** because the person's da'at (intention) is on the bread. With **eruv chatzerot**, the bread makes all the residents like one household. With **eruv techumin**, the bread makes the person's "home" halachically in a distant place, and from there one measures two thousand amot. With **eruv tavshilin**, cooking for Yom Tov establishes that one has already begun preparing for Shabbat.

Novel Points:

1) Did Shlomo HaMelech institute all three eruvim?

The Gemara says that **Shlomo HaMelech** innovated the mechanism of eruv. The question is: did he innovate only eruv chatzerot, or also eruv techumin and eruv tavshilin? The Gemara speaks of the enactment of "mitzvat eruv" – but there are three mitzvot called by this name. **Apparent conclusion**: all three, because all three share the same foundation – **a rabbinic leniency on a rabbinic prohibition**. With eruv chatzerot – permitting the rabbinic prohibition of carrying from a private domain to a courtyard. With eruv techumin – permitting the rabbinic prohibition of going more than two thousand amot (according to the Rambam that twelve mil is Biblical, two thousand amot is rabbinic). With eruv tavshilin – permitting the rabbinic prohibition of preparation.

2) According to Rabbi Akiva's view that techumin is Biblical – what is the eruv?

If **Rabbi Akiva** holds that two thousand amot is **Biblical** (he brings a verse "u'madotem michutz la'ir"), then eruv techumin **permits a Biblical prohibition**. In such a case it is **not merely an enactment**, but more like **a strategy that truly works** – the person actually lives there halachically. (The **Ramban** brings the verse but not as Biblical.)

3) The wisdom of Shlomo – a rabbinic decree must come with a leniency

Shlomo HaMelech's wisdom is perhaps the principle that **one cannot decree a rabbinic prohibition without a mechanism of leniency**. As the Rishonim often say in the laws of Shabbat – every rabbinic prohibition comes with some leniency (in great need through a non-Jew, and the like). This is a broader principle in rabbinic enactments.

Why did the Rambam separate the Laws of Eruvin from the Laws of Shabbat?

The **primary law of techumin** (twelve mil Biblical, two thousand amot rabbinic) already appears in **Laws of**

Shabbat Chapter 27. The Rambam **first** presented the **Biblical laws** in Laws of Shabbat, and the **rabbinic laws briefly**. The longer rabbinic laws with all their details – **eruv chatzerot** (five chapters) and **eruv techumin** (three chapters) – he placed in **Laws of Eruvin** separately. This is his order – first Biblical laws, then rabbinic laws with their solutions.

Eruv tavshilin is different – it is a law of **Yom Tov**, not Shabbat, therefore the Rambam placed it in Laws of Yom Tov. But **eruv chatzerot and eruv techumin** are both connected to **space, place, measuring, cities** – they are "the same type of tractate."

All three eruvim have a blessing "al mitzvat eruv" – this shows that one can view eruv as **a mitzvah** – a special topic that includes all three.

Law 1 – Definition of Eruv Techumin

The Rambam: "One who leaves the city on Erev Shabbat and places food for two meals distant from the city within the techum and establishes his Shabbat residence there, even though he returns to the city and sleeps in his house, he is considered as if he spent Shabbat in the place where he placed the two meals, and this is called eruv techumin."

Plain Meaning:

Whoever goes out Erev Shabbat and places food for two meals in a place within the techum (but far from the city), establishes his residence there. Even if he goes back home and sleeps in his house, it is reckoned as if he spent Shabbat at the eruv.

Novel Points:

1) The eruv doesn't give more than 2000 amot – it only moves the center from which one measures the 2000 amot. The eruv doesn't make "your city larger," rather it determines that "you live there." Consequently one loses from the other side. In one direction one can now go 4000 amot (2000 from home to eruv + 2000 from eruv further), but one loses on the other side.

2) Whether eruv techumin is truly an "eruv" – it is discussed whether eruv techumin is truly the same as eruv chatzerot, or a "half-eruv." Both have to do with measuring areas, cities, and living in a city.

3) The eruv must be within the techum – so that he can reach the eruv on Shabbat. But after he arrives at the eruv, he can choose which direction he wants to go – including back to his house.

Law 1 (continued) – And he may walk from the place of his eruv two thousand amot in every direction

The Rambam: "And he may walk from the place of his eruv two thousand amot in every direction."

Plain Meaning:

From the place of the eruv one can go 2000 amot in every direction.

Laws 1-2 – Example: Eruv one thousand amot to the east

The Rambam: "How so? If he placed his eruv at a distance of one thousand amot from his house in the city to the east – he may walk the next day from the place of his eruv two thousand amot to the east, and walk from the place of his eruv two thousand amot to the west: one thousand from the eruv to his house, and one thousand amot from his house within the city."

Plain Meaning:

He places the eruv 1000 amot east of his house. On Shabbat he can go 2000 amot east from the eruv, or 2000 amot west – which means 1000 back to the house, and another 1000 into the city.

Novel Points:

If the city extends more than 1000 amot west of his house, he cannot go further than the end of the thousand – he is limited.

Law 2 – When the city is within the two thousand amot: the entire city is like four amot

The Rambam: "If from his house to the end of the city is less than one thousand, even one amah, so that his measure ends outside the city – the entire city is considered like four amot, and he may walk outside it nine hundred ninety-six to complete two thousand."

Plain Meaning:

If from his house to the end of the city is less than 1000 amot (the entire city is within his 2000 amot), the entire city is reckoned as only 4 amot, and he can go another 1996 amot on the other side of the city.

Novel Points:

This is the principle that a city that is entirely within the techum is reckoned as four amot – the same law we already learned in the laws of Shabbat techum, that when the techum ends in the middle of a city, one cannot walk the entire city. But when the entire city is within the techum, it is entirely like four amot.

Law 2 (continued) – Eruv at a distance of two thousand amot: he loses the entire city

The Rambam: "Therefore if he placed his eruv at a distance of two thousand amot from his house in the city – he loses the entire city... and he has no walking distance from his house into the city toward the west even one amah."

Plain Meaning:

Whoever places the eruv exactly 2000 amot from his house, loses the entire city. He can go from the eruv to his house (2000 amot), but not one amah further into the city.

Novel Points:

One who is "stingy" and wants to maximize by placing the eruv at exactly 2000 amot, actually loses – he remains "locked" in his house and cannot go out into the city. This is a practical consequence of the principle that the eruv only moves the center, not adding area.

Law 3 – One who places his eruv in a private domain

The Rambam: "One who places his eruv in a private domain, even if it was a large city like Nineveh... even a destroyed city..."

Plain Meaning:

Whoever places his eruv in a private domain – even a very large city like Nineveh, or a destroyed city that is still a private domain – there is a special law.

Novel Points:

- **What makes a city a private domain** – for example, locked doors. A city is a private domain for the purpose of eruv.

- **"A place with partitions"** – even when it is not a city, but there are partitions, it is a private domain. But with a city one doesn't need special partitions.

Laws 6-7 – He placed his eruv within the city / outside the techum

The Rambam: "A city that is a private domain... if he placed his eruv within the city where he is spending Shabbat, he has accomplished nothing... he is like all the residents of the city who have two thousand amot in every direction outside the city, he has neither benefited nor harmed. And similarly if he placed his eruv in places that join with the city." Also: "If he placed his eruv outside the techum" – the eruv is also invalid.

Plain Meaning:

Whoever places his eruv in the city where he is spending Shabbat has accomplished nothing – he already has two thousand amot in every direction from the city anyway. The same if he places it in the places that join with the city. If he places the eruv outside the techum, it is also invalid.

Novel Points:

1) "A city that is a private domain" – the Rambam means by this a place surrounded by partitions. A private domain can be even without a city (like a cave suitable for dwelling), but if it is a city, it need not specifically be a private domain – it is enough that it is a city. The entire area of the city (or private domain) is like the person's place, and he gets two thousand amot in every direction from there.

2) Why "he has accomplished nothing" – the entire purpose of eruv techumin is to extend the techum in one direction. If the eruv lies inside the city, he has added nothing – he is already there, he may already be there. The eruv only begins to work when it "moves" the person's place of residence to a new location.

3) Places that join with the city – this includes houses that are less than 70 amot and a third from the city, the city square, etc. – everything that is halachically reckoned as part of the city for the purpose of Shabbat techum.

4) Outside the techum – two reasons why it is invalid:

(a) Practically – he cannot reach the eruv on Shabbat, so the eruv cannot function as his place of residence. (b) Halachically – an eruv must be fit for eating for him on Shabbat, and if he cannot reach there, it is not fit. **But** the main reason is not because the bread is invalid, but because the eruv is "not in his

reach" – he has not made the eruv in a manner that can help him.

5) No penalty either – when the eruv is outside the techum, we don't even say stringently that the eruv should work (that he should lose his place of residence at home). The eruv is not an eruv at all – "it accomplishes nothing" – he remains like a regular resident of the city.

Law 8 – One only makes eruv for a matter of mitzvah

The Rambam: "One only makes eruv techumin for a matter of mitzvah, such as if he wants to go to a house of mourning, or to a wedding feast, or to greet his teacher, or friends who came from another city... or because of fear, such as if he wants to flee from gentiles or bandits... and from an eruv not for any of these matters of permission... this is an eruv."

Plain Meaning:

Initially one may only make eruv techumin for a matter of mitzvah – love (comforting mourners, wedding celebration, greeting one's teacher, welcoming friends) or fear (fleeing from danger). But after the fact, if one made it for a matter of permission, the eruv is valid.

Novel Points:

1) Love and fear – two categories: The Rambam divides the examples into two: "love" means one wants to arrive somewhere (mourners, wedding, teacher, friends); "fear" means one wants to leave from something (gentiles, bandits). These are two different motivations.

2) "Love of Israel" as the foundation of eruv: All the examples of "love" are essentially love of Israel – one goes to a mourner, to a groom, to a teacher, to a friend. This fits with the general concept of eruv: with eruv chatzerot the Sages made a "separation" (prohibiting carrying from house to courtyard), and the remedy is eruv – which makes everyone "one large family." Here too: the Sages limited how far one may go, which reduces visiting mourners, going to celebrations, meeting friends. The remedy of eruv techumin is to enable specifically such mitzvot of love of Israel.

3) [Digression: Comforting mourners on Shabbat] – One comforts mourners on Shabbat according to halachah, although the custom is perhaps not so. People think that because the mourner doesn't sit shiva on Shabbat, one cannot comfort. It is asked whether saying "HaMakom yenachem" itself is public mourning.

4) Wedding feast – connected to what we already learned in the laws of Shabbat, that one may make a wedding on Shabbat, provided it is the first cohabitation.

5) Greeting one's teacher – connected to what we learned in the laws of Shabbat, that instead of sitting at home one should go to the study hall.

6) Friends who came from another city – connected to the laws of blessings, that when one sees a friend after a long time one makes Shehecheyanu.

7) Why did the Sages limit eruv techumin to a matter of mitzvah? Two possible answers: (a) The Sages didn't want people to exert themselves on Shabbat with long walks. (b) The eruv is "not genuine" – he acts as if he lives there, but in truth he doesn't live there, therefore the Sages only permitted this "fiction" for a mitzvah. The second answer is preferred.

8) The reason for the prohibition of techumin: The foundation of the prohibition of techumin is that **one may not walk too much on Shabbat** – this is the main prohibition. The eruv is a leniency on a prohibition, not a "privilege." One must have a good reason (need for a mitzvah) in order to receive the leniency.

9) Parable of the cheder: A boy in cheder who wants to go out must ask permission from the rebbe, the rebbe asks why, and only with a good reason does he let him go. So too with eruv techumin – the Sages control that people should not do things that are merely "permitted" without a need.

10) Question: The blessing "al mitzvat eruv" – on one hand one makes a blessing which implies that the eruv itself is a mitzvah/good thing, and on the other hand one says that it is almost like a transgression and one only does it for a matter of mitzvah. **Answer:** "Al mitzvat eruv" doesn't mean that the eruv itself is a good thing, but that it is a way/means to be able to permit going to a matter of mitzvah.

11) Distinction between eruv techumin and eruv chatzerot: Eruv chatzerot is not such a "trick" – there one actually carries on Shabbat, and the eruv makes it possible. But eruv techumin is more like a stratagem – the person doesn't truly live there.

12) Practical consequence: The Shulchan Aruch rules that one may not make an eruv only for a matter of permission, but for a need of mitzvah. But after the fact, if one made an eruv for a matter of permission, it is a valid eruv. The Magen Avraham discusses whether one may go with an eruv in order to pray with a minyan – which is apparently a strong matter of mitzvah.

Law 9 – With what does one make eruv techumin: the measure of food for two meals

The Rambam: "Anything with which one makes [shitufei mevo'ot] one makes eruv techumin, except for dough that has not been baked – one does not make eruv techumin with it. And how much is the measure of eruv techumin? Food for two meals for each and every person. And if it was relish – enough to eat with it two meals."

Plain Meaning:

Everything that one can use for shitufei mevo'ot one can use for eruv techumin, except dough that is not baked. The measure is food for two meals for **each individual** separately.

Novel Points:

1) Distinction from eruv chatzerot: With eruv chatzerot one needs only bread (pat), and with shitufei mevo'ot one can use any food. Eruv techumin is like shitufei mevo'ot – any food, but not unbaked dough because it is not significant enough.

2) Distinction from eruv chatzerot in measure: With eruv chatzerot, two meals for the entire group is enough (even hundreds of people). But with **eruv techumin each individual separately needs food for two meals.**

3) Practical advice for a large group: One can take relish (added to bread, like salt water / a type of marinade) which one uses very little at a meal – a bottle of it is enough for a hundred people for two meals.

Law 10 – He and his eruv in one place

The Rambam: "And it is necessary that he and his eruv be in one place, so that it would be possible for him to eat it during twilight. Therefore if he intended to spend Shabbat in a public domain and placed his eruv in a private domain, or [vice versa] – it is not an eruv, because it is impossible to take out from a private domain to a public domain during twilight except through a transgression."

Plain Meaning:

The place where one places the eruv must be the same place where the person is establishing his Shabbat residence, so that he can eat the eruv during twilight. If the eruv lies in a private domain and he wants to establish residence in a public domain (or vice versa), the eruv is invalid – because he cannot bring the food to himself without a transgression of carrying.

Novel Points:

1) "He and his eruv in one place" doesn't mean the eruv must be on the way – rather that the **place of residence** (where he is establishing residence) must be the same domain as where the eruv lies. For example, if he placed the eruv on the roof of a house or on a tree – a place where he cannot establish residence – it is a problem.

2) The principle of "place of residence" – it must be a practical place: When one places an eruv, the "place of residence" is not specifically the inch where the bread lies, but the nearest place where a person can practically establish residence – sit, eat a meal. If the eruv lies in a place where one cannot establish residence (like the peak of a roof, a utility pole), one looks at the nearest practical place nearby.

3) Two "novelties" in this principle:

- (a) A residence must be in a place where one can practically establish residence.

- (b) If the eruv lies in an impractical place, the residence is automatically transferred to the nearest practical place.

4) The problem when the nearest place is in a different domain: When the eruv lies in a high place in a private domain (for example a utility pole), and the nearest practical place is in a public domain (or vice versa), he cannot take down the eruv to eat because that would be carrying from domain to domain – a Biblical prohibition. Therefore the eruv is not valid.

5) Tree (ilan) – why one cannot establish residence on a tree: No one sits on a tree and eats a meal – residence means a practical thing for a person. The Magen Avraham mentions that climbing a tree is a shevut (rabbinic prohibition), but the main problem is the intersection of domains – bringing down from a private domain to a public domain.

6) The Rambam's reason with a tree: The Rambam mentions specifically the concern of "lest he detach" (with a reed – that he not detach), but he doesn't state the reason of climbing a tree itself. This is a point in understanding the Rambam's approach.

Law 11 – Eruv in a karmelit

The Rambam: If he made an eruv in a karmelit, and his residence is in a private domain or public domain

– the eruv is valid.

Plain Meaning:

A karmelit is only a rabbinic prohibition. At the time of acquiring the eruv – which is during twilight – the rule applies that **anything that is rabbinic, they did not decree upon it during twilight in a case of mitzvah or pressing need.** Consequently he could have carried from/to the karmelit during twilight, and therefore it is reckoned that he could establish residence there.

Novel Points:

1) The distinction between Biblical and rabbinic: When the prohibition between the person and the eruv is Biblical (private domain/public domain) – the eruv is not valid. When the prohibition is only rabbinic (karmelit) – the eruv is valid, because during twilight they did not decree.

2) Question about "pressing need": The rule is "in a case of mitzvah or pressing need" – but with eruv, is this actually a mitzvah or a pressing need? The leniency applies even when it is not truly a pressing need, simply because he decided so.

Law 11 (continued) – He placed it in a tower and locked it and lost the key

The Rambam: "If he placed it in a tower and locked it and lost the key – if he can take it out without performing a prohibited labor, this is an eruv, because one is only forbidden to do during twilight in a case of mitzvah except for a prohibited labor."

Plain Meaning:

When one placed the eruv in a chest and the key was lost – if one can access the eruv without a Biblical labor (for example breaking the chest, which is only destructive – a rabbinic prohibition), the eruv is valid. Because during twilight only a Biblical labor is prohibited, not a rabbinic prohibition.

Novel Points:

This is a continuation of the principle – a place where one cannot access the eruv because of a Biblical prohibition, the eruv is invalid, but if the impediment is only a rabbinic prohibition, the eruv is valid. Exactly similar to the law with eruv chatzerot.

Law 11 (continued) – He placed it on top of a reed or on top of a stalk

The Rambam: "If he placed it on top of a reed or on top of a stalk growing from the ground – it is not an eruv, a decree lest he detach."

Plain Meaning:

If one placed the eruv on the tip of a reed or stalk growing from the ground, it is not an eruv, because we fear he will detach.

Novel Points:

1) Great question: Detaching is a Biblical prohibition, but the *decree* lest he detach – that is, the prohibition of climbing a tree or using something attached – is only rabbinic. According to the rule that a rabbinic prohibition is not an impediment during twilight, the eruv should be valid!

2) Answer (from the commentators): With a reed or stalk, the lest he detach is a **danger very close to a Biblical prohibition.** The reason is because often one cannot

recognize whether the reed is still attached to the ground or it has already been cut and just stuck in the ground. The person will think it is already detached, and he will give a pull to the reed to take down the eruv – and thereby transgress detaching Biblically without knowing.

3) The rule: When a rabbinic decree is **close to a Biblical prohibition** – when it is very easy to err and transgress a Biblical law – then one is indeed prohibited even during twilight on Erev Shabbat. The rule that "a rabbinic prohibition is permitted during twilight" only applies to an ordinary rabbinic law, not to a rabbinic law that is close to Biblical.

4) Practical consequence: If the reed is already detached (cut) and just stuck in the ground (detached and inserted), and one knows clearly that the person is an expert and will not make a mistake – this is an eruv. Because then the concern lest he detach is not applicable.

5) Broader principle: The principle – that a rabbinic law that is close to Biblical is prohibited even during twilight – is a rule that one can apply to other laws of twilight, although the Rambam did not state it clearly in the laws of twilight.

Law – Place of the eruv: four amot

The Rambam: "Anyone who places his eruv in a place, the place of his eruv has four amot. Therefore, one who places his eruv at the end of the techum and the eruv rolled and went outside the techum within two amot – this is an eruv. If it went out beyond two amot – it is not an eruv, because it went outside the techum."

Plain Meaning:

When one places an eruv, the eruv has a "place" of four amot (two amot on each side). If the eruv rolled up to two amot outside the techum – it is still valid. More than two amot – invalid, because he cannot reach the eruv.

Novel Points:

Question: Why does the Rambam say here **two** amot (on each side), whereas with a person's place in the laws of Shabbat it appeared to be **four** amot on each side? Answer: There we speak of a person's place, here we speak of the place of the eruv – and the measure is two amot on each side (together four amot). There are different opinions on how to calculate the four amot.

Law – The eruv rolled/was lost/burned: when it happened

The Rambam: "If it rolled outside the techum, or his eruv was lost, or burned, or it was terumah and became impure – if while it was still day it is not an eruv, after dark it is an eruv because his eruv acquired for him during twilight. If there is doubt – this is an eruv, because a doubtful eruv is valid."

Plain Meaning:

If the eruv became invalid (rolled out, lost, burned, or terumah that became impure) – it depends when: while it was still day = invalid; after dark = valid (because during twilight it was still valid); doubt = valid (doubtful eruv is valid, rabbinic doubt is lenient).

Novel Points:

The "doubt" can mean two situations: (1) one knows when it happened but doesn't know whether that time was twilight or already night; (2) one doesn't know at all when it happened – he comes on Shabbat and sees it is burned. In both cases the eruv is valid.

Law – Agent: two people with different doubts

The Rambam: "If they said to two people go and make an eruv for us – one made an eruv for him while it was still day and one made an eruv for him during twilight. The one for whom he made an eruv while it was still day, his eruv was eaten during twilight, and the one for whom he made an eruv during twilight, his eruv was eaten after dark – both acquired an eruv, because twilight is a doubt, and a doubtful eruv is valid."

Plain Meaning:

Two people sent an agent. For one he placed the eruv while it was still day, but it was eaten during twilight. For the second he placed it during twilight, but it was eaten after dark. Both are valid.

Novel Points:

The great novelty is that this is **not a contradiction** (tartei desatrei). One should not argue: if twilight is night, then the first is valid but the second invalid; and if twilight is day, then the second is valid but the first invalid. The Rambam rules that **each one separately** is a doubtful eruv, and a doubtful eruv is valid – one need not look at both together.

Law – Initially not making eruv during twilight

The Rambam: "And even so, if there is doubt whether it became dark or not – one does not make eruv techumin initially."

Plain Meaning:

Although after the fact a doubtful eruv is valid, initially one should not make an eruv techumin during twilight.

Law – A pile fell on the eruv

The Rambam: If a pile of stones fell on the eruv **during twilight** – if it requires only a **rabbinic labor** to remove, the eruv is valid. If it requires a **Biblical labor** – the eruv is invalid. **If the pile fell after dark – this is an eruv**, because during twilight the eruv was still valid. **If there is doubt** whether it fell while it was still day or after dark – **this is valid**, according to the rule that a doubtful eruv is valid.

Novel Points:

This is a broader rule – a doubtful eruv is valid. The twilight situation brings interesting cases where the rule is limited.

Law – Eruv with terumah that is doubtfully impure

The Rambam: "But one who makes an eruv with terumah that is doubtfully impure" – the eruv is invalid.

Plain Meaning:

One would have thought that because a doubtful eruv is valid, here too it should be valid. But because in practice the Jew may not eat terumah that is doubtfully impure (even though it

is only rabbinic), it is a **meal that is not fit for eating**, and therefore it is not a valid eruv.

Novel Points: Distinction between doubtful eruv and doubtfully fit for eating

"Doubtful eruv is valid" only applies when the doubt is about the **eruv status** itself (e.g. whether a pile fell before or after Shabbat). But when the doubt makes the **food itself** in practice not fit for eating – the eruv is invalid, because the foundation of a fit meal is lacking.

Law – Two loaves of terumah: one pure and one impure

The Rambam: If one has **two loaves of terumah, one pure and one impure**, and one doesn't know which is which, and one says **"I am making an eruv with the pure one wherever it is"** – the eruv is **invalid**.

Plain Meaning:

Even if one designates the eruv as "whichever is the pure one" – because in practice he may not eat from **either** (because each is doubtfully impure), it is a meal that is not fit for eating.

Law – A loaf that he consecrated for tomorrow: today it is ordinary and tomorrow it is holy

The Rambam: If one says "this loaf today is ordinary and tomorrow it is holy" **and makes an eruv with it** – this is an eruv, **because** during twilight it has not yet definitely become consecrated.

Plain Meaning:

The loaf is today ordinary and tomorrow holy. Because during twilight it is still in the presumption of ordinary, the eruv is valid.

Novel Points:

1) Question: Why is this different from doubtfully impure terumah? During twilight is also a doubt – perhaps it is already Shabbat and the loaf is already holy, and he may not eat it!

2) Answer: Here the **leniency preceded the prohibition** – when twilight begins, the loaf is still in **presumption of leniency** (because he said "today ordinary"), and the doubt of twilight is not strong enough to remove from a presumption of leniency. With doubtfully impure terumah, however, the doubt exists **from the beginning** – there is no presumption of leniency.

3) Scholarly distinction: In presumption of leniency is a stronger status than a mere doubt. The Rambam must explicitly explain the distinction between this case and the previous one.

Law – Today holy and tomorrow ordinary: the reverse

The Rambam: "But if he said today holy and tomorrow ordinary" – **the eruv is invalid, because** one does not make an eruv with food until it becomes dark – **during twilight the loaf is still in presumption of holy, and he may not eat it.**

Plain Meaning:

When the loaf is today holy and tomorrow ordinary, during twilight the loaf is still in presumption of holy – he cannot eat it, therefore the eruv is invalid.

Novel Points:

The Rambam in his Commentary on the Mishnah mentions the case of one who separates terumah with a condition that it should only take effect when Shabbat begins. The problem: all during twilight the food is still **tevel** (because the terumah has not yet taken effect), and tevel is not fit for eating. Therefore the eruv is invalid – because **there must be a fit meal before Shabbat**.

Law – One who places his eruv in a cemetery

The Rambam: If one places the eruv **in a cemetery** – it is **invalid**.

Plain Meaning:

A cemetery is **forbidden in benefit**. When one places the eruv there, one wants the cemetery to be a guarded place for the eruv – **he thereby benefits from it**, one has benefit from the cemetery.

Novel Points:

1) What is the "benefit"? It is not the eating itself (because one doesn't eat there), but that he **uses** the cemetery – he needs the eruv to **remain there** (establishing residence), and thereby he utilizes the place. For example, he places it on a **gravestone** – this is benefit from the grave.

2) [Digression: Whether eruv is a mitzvah] – It is touched upon whether eruv is a mitzvah (one does say "al mitzvat eruv"), but it is concluded that it is not a mitzvah, but a **leniency**.

Law – He placed it in a beit hapras

The Rambam: If one places the eruv in a **beit hapras** – **this is an eruv, even if he is a kohen**.

Plain Meaning:

Beit hapras is a place with doubtful impurity (perhaps a bone lies in the ground). A kohen also may not enter. But the eruv is valid because there is a **leniency to enter** – through a **tower floating in the air** (a flying chest/structure that hovers over the ground), or through **blowing** (blowing the sand to see that it is clean).

Novel Points:

1) Distinction between cemetery vs. beit hapras: With a cemetery the eruv is invalid because it is a definite prohibition of benefit. With beit hapras, although a kohen may not enter, there is a **practical way** to enter (tower floating, blowing), and therefore he is not prevented from reaching his eruv.

2) [Digression: Whether a tower floating is realistic] – It need not be realistic in daily life – it is enough that it is **possible** (it is feasible), like the principle of "we roll" – one reckons even with distant possibilities.

Law – Many who wanted to join in eruv techumin

The Rambam: "Many who wanted to join in eruv techumin – **they gather all their eruv, two meals for each and every one, and place it in one vessel in the place they desire.**"

Plain Meaning:

When several people want to make eruv techumin together, **each one** must give two meals – there is no cap on the measure as with eruv chatzerot (where after eighteen people

the measure is fixed). One places everything together in **one vessel**.

Novel Points:

Why one vessel? The Rambam only says that one **can** place it in one vessel – even so is good. Each one has his own eruv.

Law – One makes eruv for all: must inform them

The Rambam: "And if one made an eruv for all of them – he must acquire for them through another, and must inform them."

Plain Meaning:

When one makes an eruv for everyone, he must (1) acquire through an agent, and (2) **inform** the others.

Novel Points:

1) Why must one inform – distinction from eruv chatzerot: With **eruv chatzerot** one need not inform, because **we act in a person's benefit in his absence** – one does him a favor (he can carry in the courtyard). But with **eruv techumin** one must inform, because: **one only makes eruv techumin for a person with his knowledge** – the reason: **lest he does not want to make an eruv in whichever direction he desires** – perhaps the person wants to go in a **different direction!** If one makes an eruv for him to the north, and he wants to go south, one has **harmed him** (he loses 2000 amot to the south). Therefore it is not a simple benefit, and one needs his da'at (knowledge).

2) Distinction between knowledge and consent: The Rambam makes an important distinction – the person must **know** (notification while it is still day), but he need not **consent** before Shabbat. If he knew while it was still day, and only after dark did he decide that he wants to use the eruv – the eruv is valid. The Rambam says: **"Even though he did not want until after dark... such is the way of a person"** – it is natural that a person wavers until he makes a decision.

3) Bereira mechanism: The eruv was already physically placed, but it is conditional "on condition" – on his will. When he decides on Shabbat that he wants it, it is reckoned retroactively as his place of residence from Erev Shabbat. This is a type of bereira reasoning.

4) If one did not inform him until after dark: "He does not fulfill with it, because one does not make eruv after dark" – the eruv is invalid, because without knowledge while it is still day there is no foundation for the eruv, and after dark one can no longer make a new eruv.

5) Condition-possibility: A person can make a condition on himself – for example, if he wants to go east or west – and later make his decision. This will be elaborated in later laws.

Law 6 (continued) – Who can acquire eruv techumin

The Rambam: "Anyone who acquires in eruv chatzerot acquires in eruv techumin."

Plain Meaning:

Anyone who can acquire in eruv chatzerot, can also acquire in eruv techumin.

Novel Points:

It must be a person who is **not "his hand is like his hand"** – not one who is in the same domain as you (like his slave and his son and his daughter). A wife can, even a minor can according to the Rabbis' enactment, but not one who is literally the same person as you. A Hebrew slave is a question, because he is not exactly "his hand is like his hand."

Law 7 – One gives money to a householder / shopkeeper / baker

The Rambam: "A person gives money to a householder so that he will buy bread for him with it... and if he gave to a shopkeeper or baker and said to him acquire for me with this money an eruv – he has accomplished nothing... and if he said to him make an eruv for me with this coin, he buys bread with it and eats and makes an eruv for him... if he gave him a vessel and said to him give me food in exchange for this and acquire for me with it, he buys food and makes an eruv for him."

Plain Meaning:

One can give money to a householder that he should buy bread and make eruv techumin. But with a shopkeeper/baker, if one only says "acquire for me with this money" – it is not valid. If one says "make an eruv for me" – yes. If one gives a vessel – yes.

Novel Points:

1) Why it doesn't work with a shopkeeper with only money: The principle is that **movable property is not acquired with money** – with money alone one does not acquire movable items (bread). The shopkeeper already has bread with him, but mere payment of money does not make acquisition of the bread. A kinyan act is lacking (like meshichah or zechiyah).

2) Distinction between householder and shopkeeper: With a householder, that person first goes to buy (makes meshichah on his behalf), and then places the eruv – that works. But with a shopkeeper, where the bread is already there, the kinyan mechanism is lacking.

3) "Make an eruv for me with this coin" – why does that work: Because this is language of agency – the shopkeeper understands that he must go buy bread (on his behalf) and acquire the bread for the sender, and then place the eruv.

4) Vessel method (kinyan chalipin): When one gives the shopkeeper a vessel and says "give me food in exchange for this" – this is kinyan chalipin (suddar), which **does** work with movables. Through the vessel the shopkeeper acquires the food, and then he can acquire the eruv.

5) If the shopkeeper himself would acquire: If the shopkeeper would take a second person and say "acquire for so-and-so and make an eruv" – it would work, because then there is acquisition through a third party. The problem is only when one relies on money alone as acquisition.

Rambam Hilchos Eruvin Chapter 6 – The Laws of Eruv Techumin

Introduction: The Two Types of Eruvin

Speaker 1:

Now we're going to learn Rambam Hilchos Eruvin Chapter 6.

We're now going to begin the mitzvah of eruv techumin, the laws of eruv techumin. It's an interesting thing, under the same name eruv there are two types of laws: eruv chatzeiros, and in eruv chatzeiros there is shitufei mevo'os and eruv medinah, and eruv techumin.

The tzad hashaveh, the thing that unites them, is the word eruv. Eruv means mixing. Eruv is the concept, the chiddush of the Chachamim, that bread can mix, or that bread can change reality because a person's da'as is on the bread.

That is to say, by eruv chatzeiros we learned that there is a gezeirah derabbanan why one should not be permitted to carry from a reshus hayachid to a chatzer, from a house to a courtyard, or from a courtyard to a mavoy. And the way, how the solution to this is through a pas, through the fact that everyone together has a pas they become like one house.

By eruvei techumin there is a similar problem, that mid'oraisa one may walk, as we learned in Hilchos Shabbos, mid'oraisa one may walk up to twelve mil. The Chachamim prohibited that one may not walk more than two thousand mil, excuse me, two thousand amos, which is two mil. And afterwards the Chachamim came up with a solution, with a heter, that if someone wants to walk more than two thousand amos, he can walk another two thousand amos by making his house be further away from his, that is to say, further away from his actual house, he should have a place that halachically we view as a house through a piece of bread. That's what an eruv is.

Both of them are under the same chapter, eruvin, and Shlomo HaMelech was mechadesh this. It's not clear to me if Shlomo HaMelech was mechadesh the eruv chatzeiros and also the eruv techumin, that is to say, the chiddush that the pas...

Eruv Tavshilin – The Third Thing

There's also a third thing, the same type of thing, pas also works for eruv tavshilin. We learned this in Hilchos Yom Tov. It also has the name eruv, because there too the essential concept is that a certain thing that one cooks changes reality, the cooking makes that one should already have it prepared. This is learned at the end of Yom Tov, that when one cooks before Yom Tov something, it means that then one has already begun preparing for Shabbos.

It's not clear if the chiddush of Shlomo HaMelech was on all three, or on eruv chatzeiros, do you know about this?

Speaker 2:

It was before the people who argued about this.

Speaker 1:

I understand. Where do they become clear?

Speaker 2:

If we're not clear, no one is clear.

Speaker 1:

So when one discusses, it could be that one Amora wrote in one language like this, and a second one wrote in one language like this. I mean, this basically means that it says in the Gemara when discussing takanah, "mitzvas eruv," and there

are three mitzvos that are called mitzvas eruv. So who knows which one Shlomo HaMelech made.

Apparently, apparently one must say yes, all three. Because as stated, according to the Rambam's shitah that twelve mil is mid'oraisa and two thousand is mid'erabbanan, and likewise here, very similarly, all three are similar, that it permits an issur derabbanan. Just as by Yom Tov it permits the issur derabbanan of hachanah, whatever it is, not an issur d'oraisa apparently. It permits, always the Rabbanan make an issur with a heter how one can permit it.

Here one cannot completely permit it, because it's not the simple meaning that the eruv makes twelve mil, it makes another two thousand. But it seems that more than this doesn't usually happen, but they don't want the Chachamim to walk more than four thousand ever. In any case, then it comes out that it's a heter derabbanan on an issur derabbanan.

Chiddush: If Techumin is D'oraisa According to Rabbi Akiva

If one learns for example that the shitas Rabbi Akiva is that techumin Shabbos is d'oraisa, Rabbi Akiva doesn't disagree that there is an eruv techumin, it comes out that eruv techumin helps mid'oraisa.

Speaker 2:

You're saying that Rabbi Akiva holds that the alpayim amah is d'oraisa?

Speaker 1:

Apparently yes. He brings you a pasuk.

Speaker 2:

Aha. Like from ah, "umedosem michutz la'ir."

Speaker 1:

Yes, they brought that. The Ramban brings the pasuk, but not mid'oraisa. So according to this perhaps...

Speaker 2:

Aha. That it permits a d'oraisa?

Speaker 1:

That it's a real thing, then it's not a takanah. Then it's more like an eitzah that truly helps, that then he lives there.

Speaker 2:

What one needs to know according to that.

Chochmas Shlomo: Every Gezeirah Derabbanan Must Come With a Heter

Speaker 1:

It's interesting, because if one doesn't take Rabbi Akiva, one would have thought that the wisdom of Shlomo, Shlomo HaMelech was a tremendous chacham, and the wisdom is perhaps even more basic, that one cannot be gozer any gezeirah derabbanan unless it comes with some heter. As the Rishonim say very often in Hilchos Shabbos, that every issur derabbanan comes with some heter, that in great need one can do it through a goy, and the like. That this is the chochmas Shlomo, that a derabbanan must come with a mechanism of how one can permit it. Interesting.

If one remembers, in Hilchos Shabbos Chapter 17 there was a law, a chiddush, that twelve mil is d'oraisa and the other is derabbanan, this is the shitas HaRambam in his commentary on the Mishnah. The other Rishonim argued that no, according to us who hold that it's entirely derabbanan, then certainly one cannot permit an issur derabbanan, but the

whole thing is an issur derabbanan and it has no calculation of d'oraisa.

So one must know the boundaries of the Chachamim.

Speaker 2:

Okay.

Why Did the Rambam Separate Hilchos Eruvin from Hilchos Shabbos?

Speaker 1:

In any case, the Rambam is very interesting, because he doesn't bring here in the Zemanim at all the sugya of techumin. He brought this in Chapter 27 in Hilchos Shabbos, and afterwards in Hilchos Eruvin he did bring the Zemanim. No, but in Hilchos Eruvin he said the new chiddush that the Rabbanan prohibited carrying from a reshus hayachid to a chatzer, which I mean that it wasn't learned in Hilchos Shabbos. I don't remember if it was learned in Hilchos Shabbos, but the thing that one may not carry, the actual issur that he brings "lo yetzei ish mipesach beiso," the issur of twelve mil, and afterwards what the Chachamim made to alpayim amah, this he said broadly in Chapter 27.

Do you remember that we already spoke about the issur of carrying out, the issur Chachamim of carrying from a reshus hayachid to a chatzer? He said that one must make a beis bamavoy, but he perhaps didn't say there that one may not carry, that one needs an eruv. He didn't say, he perhaps didn't say.

Hilchos Shabbos, Hilchos Yom Tov, Hilchos Chametz U'Matzah, Hilchos Shofar V'Sukkah V'Lulav, Hilchos Shekalim, Hilchos Kiddush HaChodesh, Hilchos Ta'anis, Hilchos Megillah V'Chanukah. Ah, Megillah V'Chanukah, actually. I thought it wasn't there. Ah, it's there. I was about to not say it, I was about to say that I'm going against the halachah, but...

And the Rabbanan. So, you already know this. Now you're just saying the new solution of the alpayim amah.

Speaker 2:

Yes.

Speaker 1:

Okay, true, there is a section Rabbanan, and true, there is already Chapter 10 of Hilchos Shabbos.

Speaker 2:

Already a lav, yes.

Speaker 1:

And Hilchos Eruvin ben techumin is only the tikkun. The truth is that it would have belonged in Hilchos Shabbos if so. It's not clear why there is Hilchos Eruvin, why he puts it in a separate halachos.

Speaker 2:

Okay, Maseches Eruvin is also like this, right?

Speaker 1:

I understood well.

Speaker 2:

But the Gemara is a question, because the Gemara doesn't need to go with a logical order like the Rambam. But the Rambam must go in a logical order. I want to tell you, by the...

Granted eruv, you can say, let us now understand, it's a whole separate issur derabbanan of the thing. It comes with takanos, many details. I understand, the previous six, five chapters. But here, three chapters, of how one makes eruvei techumin?

Speaker 1:

Okay, you have a completeness, he says practically, which Shabbos was already too long. But I say that once the Rambam made first the order of the d'oraisa and separated the derabbanan, it's already easier.

Speaker 2:

Yes, because he only said the main law of techumin Shabbos, he said because he began with the d'oraisa, he began with the pasuk. I say that once he already made the division, the longer derabbanos he already made the halachos around, yes. He said the d'oraisa, but he said the derabbanos briefly.

Speaker 1:

Yes, true, quite a long brief and tilted, yes. This is not only that, the derabbanan of techumin don't depend on Shabbos. But the eitzah, the eitzah tovah, can be such a thing is not clear.

But in the Mishnah one can see that more than the takanos, all sorts of takanos, including takanos lechi v'korah, are in Maseches Eruvin. So the Mishnah divides, as it were one wants to say, between the issurim and the solutions. For the Chazon Ish people there's nothing to say that by them there are 613 mitzvos, and by the people who make takanos of Shabbos there are 613 problems and one must find solutions. But Maseches Eruvin is a book of solutions to Shabbos problems, not a book of halachos.

And the truth, according to the Chazon Ish the Rambam could have written eruv tavshilin here too. But eruv tavshilin is already a law in Yom Tov, Yom Tov is already too far. Also it's not really a takanah, it's more an issur, here Yoel made this. But it's the same thing, that the trick of permitting is an issur derabbanan.

Speaker 2:

Okay, okay. But it's Yom Tov.

Speaker 1:

But it's Yom Tov, yes.

Discussion: Why Isn't Eruv Tavshilin in Hilchos Eruvin?

Speaker 2:

Okay, so let's learn the principle of eruv, how this works.

Speaker 1:

No, what I mean to say is, that the Rambam could have brought in... We see that all three have a berachah of "al mitzvas eruv." One can look at it as if there is a mitzvah. I want to say, for example, they had a question, for example, if Hilchos Shekalim is a law that the month of Adar makes shekalim, or it's a law in korbanos that one must have money for korbanos?

What I mean to say is, there's some sugya that's called eruv, which includes the three mitzvos, and it's called "al mitzvas eruv," which the Chachamim were metaken. Okay, I say, the Rambam still divided it between Shabbos and Yom Tov. So, there's a sugya of eruv. Either way, if he placed it on a... what?

Speaker 2:

Eruv tavshilin is the only exception. I mean, you're right that it works the same, and by him it's called the same. The Rambam himself, I mean, explains this in the halachos. But it's not the same in the sense... It's not at all the same in the sense that... How is it called... that it's Maseches Eruvin. It's not Maseches Eruvin.

It's also different, because eruvin and techumin, both speak of space and of place and of... By both it has to do with measuring things. By both one measures, by both one speaks about cities and about outside the city, and it has a lot... You say, it's the same type of masechtah, and then one speaks of the kitchen stuff. Yes, okay. I don't know. Anyway, let's move on.

The Rambam's Language: Mi Sheyatza Min HaMedinah B'Erev Shabbos

Yes, the holy Rambam says like this. He begins like this: "**Mi sheyatza min hamedinah b'erev Shabbos**", whoever went out from the city on Erev Shabbos, "**v'hiniach mazon shtei seudos rachok min hamedinah b'soch hatechum**", if he did so, he took mazon as much as one needs for shtei seudos – shtei seudos is I think a shiur, so much, I know, two k'beitzim or what – he placed it rachok min hamedinah, far from the city, because the city itself he may already carry, but he placed it b'soch hatechum, he must place it in the techum, because it must be a place where he can reach. "**V'kava shevitaso sham**", through the fact that he placed there two seudos, he was kovei'a that here he sits, here is his shevitah.

So the halachah is like this, that "**af al pi shechazar lamedinah v'lan b'veiso**", he wasn't actually kovei'a shevitah, because he went back to the city and he slept properly in his house. But the halachah is that "**nechshav hu k'ilu shavas bamakom**", that we reckon yes, the place where he carried the shtei seudos and was kovei'a, we reckon, even though we know that he didn't actually because he didn't go home, but we reckon it yes k'ilu shavas, as if he rested there, as if he actually lived there, bamakom shehiniach bo shtei seudos. The place where he placed the two seudos.

And this is called, the act of being kovei'a the residence by placing there food on Erev Shabbos is called eruvei techumin, the eruv that helps for the matter of techumin Shabbos, of the issur of techumin.

The Eitzah of the Chachamim

It says as we said that the Chachamim prohibited walking more than alpayim amah, the Chachamim said the eitzah, that if one places shtei seudos on Erev Shabbos, it means it becomes there your house, and you can walk from here alpayim amah, as the Rambam says right away further, v'yesh lo lehalech, now after it acquired the place for his place of residence, he may walk from the place of his eruv alpayim amah l'chol ruach.

Halachah 2 – When One Walks Keneged HaMedinah: Losing From the Other Side

So the Rambam explains, Ifikach k'shehoo mehalech mimakom eruvo l'machar alpayim amah keneged hamedinah, that means the next day, that means that the eruv is for the direction, there's no such thing as an eruv that makes your city bigger, an eruv makes such a thing that you live there, right? Therefore he loses from the other side, he cannot walk more than two thousand amos, you live there, you can walk that way, you can walk from there two thousand amos further, but

backwards, the other way, you cannot walk because you don't live there, yes? Right?

But it was already said earlier that it must be b'soch hatechum so that he should be able to walk there on Shabbos, yes? But after he arrives at the techum Shabbos, he can choose which side he wants to walk alpayim amah, yes? From there, including back to where his house is where he comes from, true?

It says that if he wants to afterwards go back home on the same Shabbos, he can go back home, because he goes back to the techum and from there home. The techum becomes his center, his square of two thousand amos becomes exactly where his eruv is, it comes out that when he walks keneged hamedinah back, in conclusion, one who walks in the city lo sof midaso, he can only walk 2000 amos from where his eruv is. He cannot walk the entire city, as the halachah is, from anyone whose techum ends in the middle of the city, that he cannot walk the entire city, as we learned Hilchos techum, right.

When the Medinah is B'soch Midaso: Kulah K'arba Amos

Granted, he can go back only... he must he can only walk the said Gemara. But, v'im hayu so... there's only one case, as we learned Hilchos chabalos, if one... the entire city is within his alpayim amah, then the entire city is called dalet amos, so he can walk further... can still walk after the city, until he finishes his alpayim amah, he says.

English Translation

Very good. So... so, "and if there was a city and it had a goat within its boundary," if the city... it means like, the city is smaller than 2000 amos and it's within the 2000 amos? Yes. Then what do I have from... Okay. Okay, if it's within the 2000 amos, then the entire city ends... right, he doesn't need to count. Normally, a person needs to count the whole way how far he walks, count or know the measure, and as we learned earlier, that he doesn't go more than 2000 amos from the eruv back, and he needs to make sure that his house is within the 2000 amos from the eruv.

But this is only if the city where he's going, the medina (city), is not within the 2000 amos. But if the medina is within the 2000 amos, he has the entire area of the medina. Let's say the medina is 800 amos large, now he has credit as if 800 amos. He can go in the entire medina, because the entire medina is counted as only like four amos, the thickness of the medina is entirely four amos.

Now, "v'yesh lo mechutzah lah" (and he has outside it), he can go further, if he wants to go until the end of 2000 amos, he can go until the end of the entire 2000 amos without counting these 800 from the... it comes out that however large the area of the medina is, so "v'yesh lo mechutzah lah," he can go further, he can walk further um, yes, with that calculation.

Halacha 3 - How: A Detailed Example

So the Rambam explains more. "Keitzad?" (How?) The Rambam explains how this works: "**Behold, if he placed his eruv... at a distance of 1000 amos from his house in the city toward the east.**" He wants to go in the direction of east, so he went 1000 amos from his house to the east side, and he placed the eruv there.

So, tomorrow on Shabbos when he needs to walk, so, he takes, he may walk on Shabbos "mahalach lemachar" (the walk for

tomorrow), tomorrow on Shabbos he may walk "mimakom eruvo" (from the place of his eruv), from the eruv which has now become his home, he can go 2000 amos "lamizrach" (to the east), "umahalach mimakom eruvo" (and walk from the place of his eruv), and then, also to the west 2000 amos.

Ah, meaning he can choose here, when he arrives at his eruv, when he arrives at his eruv, he now has 2000 amos in whichever direction he wants to go, that he can go. If his house is 1000 amos away from the eruv "l'tzad ma'arav" (toward the west), "yeilech elef min ha'eruv ad beito" (he goes 1000 from the eruv to his house), "v'elef amah mibeito b'toch hamedina" (and 1000 amos from his house within the city). But if the city extends further than 1000 amos, he cannot go in the city "ela ad sof ha'elef" (except until the end of the thousand), very good.

Halacha 4 - If From His House to the End of the City Is Less Than 1000

But the addition, he's simply explaining the same halachos again with more details. **If "mibeito ad sof hamedina pachos me'elef" (from his house to the end of the city is less than 1000), even if it's only less by one amah, "shenimtza az midato kalta chutz lamedina" (so that his measure is completed outside the city),** because the entire city is in his domain, **then "chashuva hamedina kulah k'arba amos" (the entire city is considered like four amos),** one counts the entire city as only four amos, therefore he gets credit, **"v'yehaleich chutzah lah tesha me'ot tish'im v'shesh" (and he walks outside it 996),** that means the 2000 minus four amos, "tashlum alpayim" (completion of 2000) until he finishes the two thousand amos. Right, right, right, right. 1996 on the other side too, "l'ruach ma'arav" (toward the west).

Halacha 5 - If He Placed His Eruv at a Distance of 2000 Amos: He Lost the Entire City

"Lefikach" (Therefore), the Rambam says like this, **"lefikach im hiniach eruvo b'richuk alpayim amah mibeito shebamedina, hifsid et kol hamedina kulah" (therefore if he placed his eruv at a distance of 2000 amos from his house in the city, he lost the entire city),** he lost the entire city. He thought that he had gained now, he was stingy, he went the entire two thousand, but he used "kol hamedina k'ilu" (the entire city as if). But now it comes out that the city won't be in his 2000 amos, "m'nemt tzu mahalach mibeito ad eruvo alpayim amah" (one takes the walk from his house to his eruv 2000 amos), he may only go from his house to the eruv 1000 amos, and back also "me'eruvo alpayim amah ad beito" (from his eruv 2000 amos to his house), he may not go more. **"V'ein lo mahalach mibeito lamedina l'tzad ruach ma'arav afilu amah achat" (and he has no walk from his house to the city toward the west even one amah),** he will then remain trapped in his house, he won't be able to go out "motza'ei Shabbos" (after Shabbos), it's the opposite direction, because he used up his place. Not a good thing, but he should just calculate the... yes, that way.

Innovation: The Eruv Only Moves the Center

But the Rambam is just revealing that the eruv doesn't add more than two thousand amos, it only moves where your two thousand amos are. Therefore one goes back to whatever the halachos of two thousand amos are, which were already learned in Hilchos Shabbos earlier. Very good.

Halacha 6 - One Who Places His Eruv in a Reshus Hayachid

The Rambam says a new halacha, that there's a case when the eruv gives, God forbid, more space than you can go.

The Rambam says, the law is to go "techum Shabbos" (Shabbos boundary). For "shoves bireshus hayachid" (one who dwells in a private domain), what happens with someone who makes an eruv in a reshus hayachid? Right. So until now we learned when a person wants to go in the street, from his house to the street. But what happens if it's in a large reshus hayachid? I have it in a large field.

Yes, **"hamaniach et eruvo bireshus hayachid, afilu haysa medina gedola k'Ninveh" (one who places his eruv in a reshus hayachid, even if it was a large city like Nineveh),** he places his eruv in a reshus hayachid. "Afilu haysa medina gedola" (even if it was a large city), even if the reshus hayachid is a very large area, which he calls a medina, "afilu haysa shetach gadol" (even if it was a large area), the reshus hayachid is very large. Ah, a city that comes into a reshus hayachid, for example a city that has... "dlatot nin'alot" (locked doors), such a thing. A medina is a reshus hayachid "l'inyan eruv" (regarding eruv), that's the principle. **"Afilu ir chariva" (even a destroyed city),** even or it's a destroyed city, or a medina that's very large, or a city, a destroyed city that's still nevertheless a reshus hayachid. So he begins.

What Does "Makom Mechitzos" Mean?

So he begins, reshus hayachid is the halacha there, we'll see what the halacha is. He brings the language from Menucha Ahava "b'she'at yichud" (at the time of seclusion), what does he mean to say?

A chassid, and a halachos, and a halachos, and a halachos, a chinuch. He means the place, "makom mechitzos" (place of partitions). The "she'at yichud" is when there isn't even any city. But if there is a city, there doesn't need to be any "she'at yichud." There still needs to be a city. Uhm. "Va'afilu ich harevah" (and even I destroyed).

Medina That Is a Reshus Hayachid

Speaker 1: So he begins, he begins with the words **"medina she'hi reshus hayachid" (a city that is a reshus hayachid).** What does he mean to say? He means "hamakom hamukaf mechitzos" (the place surrounded by partitions). Reshus hayachid is when there isn't even any city. But if there is a city, it doesn't need to be a reshus hayachid, it just needs to be a city.

Even "yachid v'eruvo" (an individual and his eruv) or "me'ara hara'uya l'diyurin" (a cave suitable for dwelling), or a large cave that's suitable to live in, the entire area one may walk, just like when a person is in a city he may walk in the entire city. "B'halacha klalit" (as a general rule) he can go in the entire city, even if it's a "medina gedola" (large city), besides that he gets another 2000 amos "l'chol ruach" (in every direction). Right? Just like he lives in a city, he can go in the entire city. Also he has an individual's reshus hayachid which is the same concept.

Halacha 7 - One Who Placed His Eruv Within the City Where He Dwelt

Speaker 1: The Rambam says further, **"hiniach eruvo b'toch hamedina sheshavat bah" (one who placed his eruv within the city where he dwelt),** someone placed his eruv in the city where he actually dwelt, **"lo asah klum" (he**

did nothing), he accomplished nothing, because it's already anyway permitted for him to go 2000 amos from that place because you live here. Did you need to place an eruv too? The whole concept of eruv is to be able to go outside your city two thousand. "**V'ein moddin lo ela mimakom eruvo**" (and they don't measure for him except from the place of his eruv), meaning, they don't measure for him from the place of his eruv. Meaning, he placed it a few streets away from where he lives, he gained nothing. "**Ela harei hu k'vnei hamedina kulah**" (rather behold he is like all the residents of the city).

What? I can't see where he can go. I've already lost the halacha. Okay. "**Ela harei hu k'vnei hamedina kulah, she'yesh lahem alpayim amah l'chol ruach chutz lamedina, lo ho'il v'lo hizik**" (rather behold he is like all the residents of the city, who have 2000 amos in every direction outside the city, he neither benefited nor harmed), he accomplished nothing with this, "**lo asah klum**" (he did nothing).

Places That Join With the City

Speaker 1: "**V'chen im natan eruvo bimkomos hamitztarfim la'ir**" (and similarly if he placed his eruv in the places that join with the city), the same thing, if he didn't place it in the city, but he placed it in the place that halachically is called your city "I'gabei eruv" (regarding eruv). Meaning, "hamkomos hamitztarfim la'ir" (the places that join with the city). Right? We learned that the "migrash ha'ir" (open space of the city), the area around the city... ah, now was the matter... yes. He says, he means there the houses that are there. Ah, ah. Yes, that's halacha, right.

The Rambam says that if he placed it in the city where he sits, I don't just mean to say what it means in the business directly on Google Maps the city, but I mean to say the halachos that they learned in Hilchos Shabbos, that around the city there are still areas that are still... "I'gabei techum Shabbos" (regarding Shabbos boundary) one begins counting 2000 amos outside from these areas, the little houses around the city that are in the "rivu'a ha'ir" (city square), or such sorts of halachos that they learned.

"Mekumos mitztarvim la'ir" (places that join with the city). No, what else was there? They had... he surely means like a house that's less than seventy amos and a third. Ah, what isn't that also "I'kho'ora" (seemingly), anything that halacha says that the 2000 amos begins from there, that's the word.

Perhaps he means to say like "hamaniach eruvo b'toch hamedina" (one who places his eruv within the city). No, it's "maniach eruvo b'toch hatechum" (places his eruv within the boundary). You're right that he accomplished nothing, because he can already go a techum. No, he says that he acquires "makom ha'ir" (the place of the city), because the place where you may anyway from there go 2000 amos you accomplished nothing. Your whole accomplishment begins when you start going.

One Who Placed His Eruv Outside the Techum

Speaker 1: "**Natan eruvo chutz latechum**" (placed his eruv outside the boundary), the same thing, if someone placed his eruv outside his "techum Shabbos," meaning, because he walked back and he won't be able to arrive there, then further you accomplished nothing with your eruv. It needs to be a place where on Shabbos you can arrive there,

then one says that after you arrive there you get from there 2000 amos.

But if he placed it outside his techum, first of all, according to the later halachos it's also not like a kosher eruv, because an eruv needs to be something that on Shabbos he can eat it, that it's suitable for him on Shabbos. But even without that, now there's a matter, because the eruv isn't a good eruv, as if it's not good bread, as if because one can't... here it's simply because it's not in his reach, he didn't make the eruv in a way that can help him. In other words, he's already now outside of the whole thing. What should one say that he's at home at all?

Discussion: Lo Yo'il Klum

Speaker 2: What, "lo yo'il klum" (it won't help at all).

Speaker 1: Here the word is also "lo yo'il klum." That's his intention.

Speaker 2: Someone older, what did he say?

Speaker 1: No, but it's a wonder, because "lo yo'il klum" goes up, he places one on the other, because that's the word. He means to say, the person didn't at all... he didn't do, he didn't do something that helps here. His eruv isn't an eruv at all. He also doesn't get the penalty that you say. One eruv, and so no eruv is made.

Discussion: How Eruv Techumin Works

Speaker 2: You say the whole time, when he arrives he has two thousand amos, he already has two thousand amos "I'chatchila" (initially), just he's usually within the two thousand amos from where he lives there.

Speaker 1: Yes, but it extended his 2000 amos double, because now he can go from his house there, from the city he can go, and then when he arrives at his eruv he gets from there another further two thousand amos.

Speaker 2: Then walk two thousand amos?

Speaker 1: No, no.

Speaker 2: It says he places it in the two thousand amos from his city, may he go until there?

Speaker 1: No, no, another further thousand amos.

Speaker 2: Aha.

Speaker 1: Two thousand amos one always has "I'chol ruach" (in every direction), right? If your eruv is within two thousand amos from here, you lose on the other side, so they learned. "Sach hakol" (in total) you gain, you move then where you are.

One doesn't get more space at all technically. One gets "I'ma'aseh" (in practice) more space, because in one direction you could only go two thousand, and now you can go four thousand, because you're already as if there. But I'm saying this, that's what I'm saying that as if when he's at home he's also in a place where he may be, because he lives there, and he already could come here. "L'ma'aseh" (in practice) he's already not going where he wants, therefore it's possible for a person to place an eruv "chutz latechum" (outside the boundary).

But we don't even say the power that the eruv should work "I'chumra" (stringently), that you should say he may not move because he's going "chutz latechum," he may not move "erev Shabbos" (Friday). The eruv isn't relevant for him, so he doesn't do anything.

Halacha 8: One Only Makes an Eruv for a Davar Mitzva

Speaker 1: So now halacha 8, regarding that one cannot prepare an eruv. Right, so I say like this, until now I would

have said that it's a simple practical solution that one can always use. No, no, no, calm down, says the Rambam. There needs to be a need to do this. **"Ein me'arvin eruvei techumin ela l'davar mitzva" (one only makes eruvei techumin for a matter of mitzva).**

Examples of Ahava

Speaker 1: "K'gon" (such as), he says, and he says an interesting thing, he says "ahavas Yisrael" (love of Israel). I thought that perhaps this is what unites the mitzva of eruv. But let's first learn the reasons he says, what is "avodat Hashem" (service of God). **"K'gon shehaya rotzeh lalechet l'veis ha'avel" (such as if he wanted to go to the house of mourning),** he wants to go comfort a Jew.

By the way, the formula, we already spoke about this, the formula one perhaps doesn't say "HaMakom yenachem" (may the Omnipresent comfort), but one goes to be there with a broken Jew. But the Mishna, one does say "HaMakom," and one doesn't remember. I think that here there's something a... the halacha is that one comforts mourners on Shabbos. The custom is perhaps not so? People think that because he doesn't sit shiva and he doesn't sit on the ground, that Shabbos doesn't hurt the mourning publicly, one can't comfort a mourner. Perhaps the "HaMakom yenachem" itself is "aveilus b'farhesya" (public mourning), no? Okay. Right.

"O l'mishte' shel nisu'in" (or to a wedding feast), or one goes to participate at a wedding, which we also already learned in Hilchos Shabbos that one may indeed make a wedding on Shabbos, "u'vilvad shetehei mitzva l'rishona" (provided it be a mitzva initially).

"O l'hakbil pnei rabo" (or to greet his teacher), or one may go for the mitzva of going to learn with the rabbi, which we also learned in Hilchos Shabbos, that instead of sitting at home and learning some nice story in Sefer Melachim, one should go to the beis midrash to hear the rabbi. He means "mekabel panim" (greeting), right, and visiting or... right. We have that too, right. In Hilchos Yom Kippur we see that one may even enter water on Yom Kippur, on Yom Tov one needs to go.

"O chaverim sheba'u mimedina acheres" (or friends who came from another country), greeting a friend, as we learned in Hilchos Brachos, that when one hasn't seen a friend for a while one makes "Shehecheyanu," it's a tremendously important thing to see friends.

Yir'a

Speaker 1: Okay, **"v'chi yotzei b'elu" (and when he goes out for these),** this is all a matter of "ahava" (love). **"O mipnei hayir'a" (or because of fear),** yes, "ahava v'yir'a" (love and fear). **"O mipnei hayir'a, k'gon shehaya rotzei livro'ach min hagoyim u'min halistim" (or because of fear, such as if he wanted to flee from the gentiles and from bandits).** These kinds, because essentially it's also a "davar mitzva." Yes?

Discussion: Ahava and Yir'a

Speaker 2: No, "ahava" means that one wants to arrive somewhere, "yir'a" means that one wants to go away from something.

Speaker 1: "Kedusha u'tahara" (holiness and purity) is similar, yes. No, it's not so, because essentially it's also... I mean, if there really is a concern from gentiles, and one reads it that it's a "davar mitzva," and it's a language, he says yes. All

these things, it's somewhat a mitzva, yes. No, about this it's a mitzva, because it falls out. But the point is... that's what he says, just the "ahava," "yir'a" means that he does the mitzva, I mean... very good.

B'dieved Valid Even for Davar Hareshus

Speaker 1: "V'chayotza baze" (and similar to this). It needs to be a "davar mitzva." But the Rambam says, this is only "l'chatchila" (initially). But **"u'man eruv shelo le'echol mikhlal elu divrei hareshus" (and one who made an eruv not for any of these matters of permission),** just because he wants to take long walks, **"harei zeh eruv" (behold this is an eruv).** Is it a... "b'dieved" (after the fact) this does work yes. The Chachamim only said that one shouldn't "l'chatchila" make an eruv techumin.

Innovation: Eruv and Ahavas Yisrael

Speaker 1: So, I thought that eruv is the matter of increasing "ahavas Yisrael." Yes, because the Chachamim forbade, for example by "eruvei chatzeiros" (courtyard eruv), it's also the same thing. By "eruvei chatzeiros" the Chachamim forbade to... carry out from the houses to the courtyard, and they made with this such a... such a separation, yes? That instead of saying that the entire courtyard is one, they made a separation. So they fixed it, and said one makes an eruv, and everyone is one big happy family.

Here also, they accepted from going far, miles, that people should meet less, people shouldn't go to "nichum aveilim" (comforting mourners) and to "simchos" (celebrations). So they instituted, it's very important, eruv is all about... and perhaps also "refua shleima" (complete healing), that one should be able to take guests on Shabbos. Okay, now I'm already stretching it.

Discussion: Why Only for a Dvar Mitzvah?

Speaker 2: But what is the simple meaning that they specifically accepted this dvar mitzvah regarding sending, eruv techumin? It's the opposite, it's... not the opposite, no, not the opposite. It's something that one should specifically do. I don't remember such a language, it doesn't read that way in the Rambam.

Why this matter?

Speaker 1: Perhaps the Sages didn't want people to exert themselves on Shabbos?

Speaker 2: What does that have to do with walking? That which they learned that one shouldn't walk, and the Sages didn't want people to exert themselves greatly on Shabbos to walk too far?

Speaker 1: I would have thought it's simply because it's not... the eruv is not real. That is, it's as if he lives there, but in truth he doesn't live there. But it's within the twelve mil, I have within the twelve mil, why would the Sages say if you do this... the Sages don't give reasons in the world. It would have remained a great principle in Torah, we've learned too much scholasticism.

Philosophical Discussion: Why Does One Need an Eruv and What is the Reason for the Prohibition of Techumin

Speaker 1:

I would have thought it's simply because it's not true, an eruv is not real. That is, it's as if he lives there, but in practice he doesn't live there. But it's within the eruv beiso, it's within the eruv beiso.

The Sages said, the Sages don't give reasons in the world. Even in a great principle of Torah, as we've learned, that there is a halacha, it's written in the heavenly book "thus one must do" according to certain rules, and the Sages only say what's written in those rules. Even when it's rabbinic, the Rabbis made the rule.

But one sees many times, and I have many proofs, and this is for example one of them, that it's not true, it's not the simple meaning that there is a prohibition to walk rabbinically more than techum Shabbos, and there is also a permission on a certain boundary in "everything for the sake of addition." It's true that there is such a permission, as you say regarding emergencies, but it's not only that.

It's also this, as if, that what's important is that a person should go to the Rav, and the Rav looks at him and he says, "Yes, I hold that you may go." How should you go? With an eruv, not alone.

There must be a good reason. One must give, like a boy is in cheder and he wants to go out. The rebbe asks, "Why are you going out?" You can say there's a prohibition of bittul Torah, one needs bittul beis hamidrash perhaps, it's a different bittul Torah, bittul tashmisham shel beis rabban, it's a different thing. He says, "I want to go out." The rebbe asks him, "Do you have a good excuse?" There is a boundary, "for a need it's permitted to leave the room." There is a list of needs. It can be a broad list, but in practice one must ask permission each time as if. The rebbe actually gives permission, and perhaps he says, "You can go out, but on condition that you learn the afternoon session with your father." I don't know, he gives some condition, some good advice how it's possible, how it doesn't harm the order of learning.

But in any case, one must agree each time, the Rav should give a reason that he agrees that it's permitted. He doesn't just give permission to make an eruv. An eruv is a permission for a prohibition according to all opinions, not a leniency. Why is there a prohibition of techumin? If it's an important need, a good need, why is eruv chatzeiros different? Eruv chatzeiros is not like that. But what is indeed the same type of mitzvah, the same type of enactment. It's more similar to what I say that one also shouldn't walk too much on Shabbos.

You know that one shouldn't walk too much, that is the prohibition of techumin itself. You can't add another thing to that. Certainly there is a prohibition here, and you reduce the prohibition. Because as you say, in practice, by the way, after he lives technically and he loses another way, but in practice he will go out beyond the techum, he's going to do a rabbinic thing. He doesn't really live there, it's just a device, a scholarly device that it's a device. Eruv chatzeiros is not, is like a device. Eruv chatzeiros, one carries a million on Shabbos up to the landlord's a little bit.

The way you say it makes it sound like, we don't want a person to walk too much. The Torah says up to a mil. The Sages say ideally only two thousand. If you'll already be in courtyards we'll allow you to go more. As if you're saying that if someone wants to be very meticulous he shouldn't walk even two thousand. It's a bit... one has already forgotten the reason why it was done.

But he brings halacha lemaaseh, Shulchan Aruch rules what I'm also telling you that one may not make an eruv for any need except a dvar mitzvah. There is a prohibition, and you

give yourself a permission. But the Rabbis do give a permission slip. But they don't just give it.

Speaker 2:

In other words, I'll tell you even this way. The Rabbis, Sages, yes, the Rabbis, whatever, they control, they hold that there are good things that one does and not good things. You can say simply about not going on Shabbos, you can say simply why shouldn't a person just stroll? A person says I want to go to the theater, tell him no, don't go. Why not? You have... oh, technically no difference, this is another way that a person shouldn't do things that are just optional, let's make it optional. That's what I meant.

But you need to know because he was permitting a small dvar mitzvah, a refined dvar mitzvah. Can a person already say that it's oneg Shabbos because he has great pleasure from a long walk? It's not like what's called a group sitting on the way?

Speaker 1:

Let's say, I don't know. You're first asking what is a mitzvah. Mitzvah doesn't mean what you have a reason to say. Mitzvah means a piece of mitzvah, a positive thing.

Speaker 2:

The Rav, I don't see how the Rav comes into the picture. It's not such a thing one asks permission with business. A person can make it himself. The Rabbis wrote the halachos, they are the Rav who is not so worthy of permission. He says it's not such a rule. The Rav should agree that it's a good reason what you're doing. And by the way, I mean that specifically yes, that the Rabbis who made the halachos of the Torah, they came to the Rav to ask. The halachos are not written for people, who did the Rabbis write for Rabbis? There is such a rule.

It's also a bit interesting that on one hand one makes a blessing al mitzvas eruv, and here one says that it's as great as the transgression and one only does it for a dvar mitzvah. It's also a bit interesting.

Speaker 1:

If one may for a davar hareshus, one sees that it's not something that is... You say that I'm doing a mitzvah, I say al mitzvas eruv, as if I'm making an eruv is a good thing. I'm making an eruv is not a good thing, perhaps it's very important, but it's a way to be able to permit going to a dvar mitzvah. That's how one can think about it. Okay, further. Let's go further. Fine.

Speaker 2:

From what one makes with the eruv, yes? In practice, if one made an eruv for a davar hareshus, it's such an eruv. What the Rav says is not the decree of the Rabbis. The Rav doesn't give any permission. Now, summer is the only time when the matter of techum Shabbos is relevant. People who live in Brooklyn it's not so relevant. In the mountains it's very often relevant, and the Magen Avraham speaks about one may go to be able to pray with a minyan. Apparently it's as strong a dvar mitzvah as accompanying one's friend.

Halacha 9: With What Does One Make an Eruv — The Measure of Food for Two Meals

Speaker 1:

Further. The Rambam says further, with what does one make the eruv? This must be food for two meals.

The Rambam says thus, to the Rambam has already told you, we have now learned the laws of shitufei mevoos, and there we said that it must be bread. Ah, it must be food. Eruv chatzeiros must be bread, but shitufei mevoos was any food that is the measure of a meal, and there it said how much, if it runs out is it enough measure, not necessarily bread.

He's not going to say, but only, **anything with which one makes eruv of techumin**, anything that we've calculated what one can use for shitufei mevoos one can be mearev eruv techumin, and there he calculated the measure of certain things, if it's fruit it's such and such amount and so forth. **Except dough that wasn't baked**, which we learned that one can't use for shitufei mevoos, because it's not important enough food, I don't remember... ah, because it's not an important food, **one doesn't make eruv techumin with it**, one also doesn't use it for eruv techumin.

And how much is the measure of eruv techumin? The Rambam says, the measure is **food for two meals for each and every person**, the measure of two meals for each person whom one wants to permit to walk. **And if it was for accompaniment**, if he doesn't use the food itself, the main course, but something that one eats with the bread, **enough to eat with it two meals**, the measure is how much one eats with the bread for two meals, as the halacha we learned earlier regarding partnership.

Not like eruv chatzeiros, the halacha is like partnership. Even a large group of people is still enough two meals. Yes, later he will state explicitly that even a large group each one must give food for two meals. The device is, as he says, that one should make it last. The device is to take such a light plan. A meal.

Speaker 2:

But he was afraid that someone would drag back a pig?

Speaker 1:

No, no, okay. He says later what one does. One places a portable item in the small for yes? No, no, no. Because one means that one should make a light plan, not with a bit of a smaller meal. No, practically it should be a light plan. One can even make salt water be enough. That is like a brine, yes? And it's very little, how much does one use at a meal? Not much. So a bottle of it is enough for a hundred people and for two meals. Understand?

Halacha 10: He and His Eruv in One Place

Speaker 1:

And the Rambam says further, many have explained learning everything about this, that an eruv must be... it must be accessible to him, it must be a place where he can eat it. Not only bein hashmashos, yes?

The Rambam says thus, **And it's necessary that he and his eruv be in one place**. The place where one places the eruv must be the same place where when Shabbos comes he will be. **So that it will be possible for him to eat it bein hashmashos**. That if he were there bein hashmashos, he should actually be able to eat it. But if it's very far away, and we'll soon see the halachos, for example if he can't reach the food for reasons, it won't be valid.

The Rambam explains, **Therefore if he intended to rest in a public domain, and placed his eruv in a private domain** — there by the techum Shabbos area there is a public domain and a private domain — **or in a private domain, or**

the opposite, and placed his eruv in a public domain, it is not an eruv. It's not a good eruv. Why? Because the person will be in one domain, he wants to rest in the public domain, and he won't be able to bring the eruv, the food, to himself. **For it's impossible to take out from a private domain to a public domain bein hashmashos except through transgression**. It's a transgression to do a Torah prohibition of carrying from a private domain to a public domain bein hashmashos. So the eruv is not truly fit for him to eat, and it's not "he and his eruv in one place."

Speaker 2:

Which place should be the place where there is a place from where he will go? It doesn't mean that I leave my eruv in a street, he's going to be at the Rosh Yeshiva let's say, and he goes home.

Speaker 1:

No, we're not talking about that. No, we're talking about the place where he placed the eruv is there, I understood that there's a house there, he placed it on the roof of the house. It appears that the place where he placed the eruv is not a place where one can rest there, it's on a tree, it's on the roof of a house. Resting is the place where...

The Simple Meaning: When the Eruv and the Person are in Two Different Domains

Speaker 1:

Because the eruv is in a place that is not his house. He placed the eruv for example above. The eruv makes that approximately the place, that the closest place to the eruv, the place where he can sit, the place where he can fulfill "looking" where he sits, he'll eat the meal there. It must be a place where one can sit comfortably. The word "comfortably" I just inserted here, but here in this case he won't be able to actually be there as he thought of the resting and eat the meal, because he can't reach the meal, he can't reach the eruv, because it's a private domain and his resting is in the public domain.

I mean, the case we're talking about here is that he can't rest in the private domain like in the public domain, because it's the second floor, I don't know what, he placed his eruv on a roof. Since we see in practice that he can't go, and it's forbidden, or he truly said "the place of my resting." "The place of my resting" just stands, it's something that doesn't stand in a basic translation. "The place of my resting" - he says, it has to do with what he says. He says, "I intended on my horse."

By a tree we'll see, yes, we'll see later if halachically he can't take down the food from there, or because he can't go up. We'll see halachically what is a public domain, and afterwards we'll understand what "the place of my resting" means.

Speaker 2:

Right. Why shouldn't one say that actually the eruv is the private domain there where the eruv is? Why is there something extra...

Speaker 1:

Right. I also don't understand. Perhaps he means actually that the case is that one goes in a tree, which things, and later one calculates extra trees. I don't know. The Gemara does speak yes about the matters of trees and things. It's a different thing. But the Rambam will later say about the concern of uprooting from a tree. He doesn't say about the Mishna that all trees one may not go there, because it's all trees. I don't see what the

Rambam says here. He says here "**one places his eruv at the top of a reed lest it be uprooted**". That's a different thing. But he doesn't say the reason why one must climb up a tree in order to place the eruv there.

Therefore, the detail of the kiddush is thus: about this one must climb up a tree, it's not a detail because it's a weak... weak, weak, says the Magen Avraham. He says clearly, a karmelis Magen Avraham. If the case says that it's a private domain, and therefore acquiring resting he won't go there because it's a weak... ah, so the only way how to eat is to bring down.

Speaker 2:

Right. Because to climb up one would say it's not a detail because it's weak.

Speaker 1:

One must pay attention, climbing up is weak, but the detail is that it's a public domain. It's a combination of domains.

The Reality: When the Eruv Lies in an Impractical Place

So the reality is thus: He's thinking of a case where he can't rest in the private domain because it's not practical. He placed it on some slanted roof, he didn't place it in a place where the person can rest. He can only rest next to it, the closest place next to it in the private domain, in the public domain or in the private domain. He placed it either in the public domain or in the private domain, he placed the eruv in a place where one can't rest. A place where one can't, there isn't there a place for a person to sit, or that it lies on the point of some...

One must look there where he places the eruv, there is the resting. But in a case when he placed the eruv in a place where one can't rest, one looks right next to it that there is the resting.

Speaker 2:

Yes, but I'm telling you, here there's a problem that he can't... again, when he placed his eruv on a light-pole in the middle of the public domain, there's no problem, because he's in the public domain and the eruv is in the public domain, so even if it lies high he can take it down, because it's within his four amos.

English Translation

But if he placed it in a location where he cannot rest on Shabbos, and the nearest place next to it where one would have thought he could rest on Shabbos is on a utility pole, where the utility pole is in the public domain and underneath it is in the private domain, or vice versa, which we have seen, one of the laws of private domain and public domain that we learned in the laws of Shabbos. We say that going up there above he cannot, because it is not a place of resting. But what is the matter? We reckon that he sits below and he can eat the eruv below, he can eat the meal right next to it. But in the case when he cannot, because that will bring him out from the private domain to the public domain, because it's on a utility pole.

Let's go out, do you have here a utility pole?

Speaker 1:

True. It's not a practical thing, the whole shevitah (resting place) is shevitah. It's not a place where one can rest on Shabbos, one cannot say that on this is the shevitah. I think that's what the Rambam means.

Speaker 2:

No, one doesn't need to, because if it's in the private domain and the non-practical is in the public domain, it concerns me, because we look at it as if the shevitah is the nearest to it. The eruv says that one acquires shevitah not on the inch, but on the place right next to it, and he can take it down and eat his meal. He can take down the eruv from where it lies and eat his meal. But when he cannot, that's what the Rambam says.

Innovation: Two New Laws in This Principle

One must first add a whole new law, that a shevitah is not necessarily like the eruv, but in a practical place. A new law, halacha chadasha. It should be a place where one can rest on Shabbos. Shevitah means a place where one can rest on Shabbos. You're adding two laws. First of all, a shevitah must be that one can practically rest on Shabbos. A simple matter. So if not, we say that the shevitah should be closer to the place where one can rest on Shabbos. Two explicit laws that don't stand until now, that when one makes an eruv, one acquires shevitah at the place of his eruv, and one should be somewhere else.

I think it's very basic that... The Gemara doesn't say exactly that. The Gemara says, the Gemara perhaps speaks about a tree that he cannot climb up, so he doesn't acquire shevitah because he cannot. The whole thing is that one must add the first three tefachim, because it's only a shevitah, and consequently, one doesn't need to fear that he will climb up the tree and eat it there for some reason. He must bring it down, and consequently it means that he is not transgressing bal tosif in another place. But the Gemara skipped the tree for some reason.

Speaker 2:

No, we didn't skip the tree, but here in the tree itself you have a question which I think is not a question, because one cannot acquire shevitah on a tree. Because no one sits on a tree and eats a meal, except monkeys. By people, acquiring shevitah means something real, it's not something such a law... It stands in the halacha. It stands in the halacha.

There's another problem, the eruv in another place. There's such a problem, if it's not... if it's a completely abnormal place, he places his eruv in a completely crazy place, if there's no law at all, there's no prohibition. There's no problem.

Speaker 1:

No, there's no problem, because he acquires shevitah right next to it. He acquires shevitah not there, acquiring shevitah is not the inch where the bread lies, it's the place. Because he can bring it down and eat. And secondly, that you automatically acquire shevitah somewhere else if he... not somewhere else, you acquire shevitah there, by the area, by the place, not on the pole. But when one cannot...

The Gemara actually says, one intends. The law is that you must intend. So the question is, if he would have intended to rest initially, there wouldn't have been a problem. The problem is only that he intends to rest... or the problem is only as his intention is. Something he has an intention here. It doesn't say that it happens automatically as you say. So, something I'm missing a basic thing.

For some reason the people here who are, don't help me. Perhaps they hold like you, that I'm the one who is crazy?

Speaker 2:

No, God forbid not crazy. I learned it that it's approximately so correct. I don't see that it's so far. Because shevitah is simple, there is the place where he would have been able to eat the meal. And at the place above he wouldn't have been able to eat the meal there, because it would have had to be done through carrying out. Already, yes?

Let's go further, 11. Okay.

Halacha 11 – Eruv in a Karmelis

The Rambam's Language

Speaker 1:

He said, **"If one made an eruv, he rests in the private domain or in the public domain,"** but when he made an eruv in a karmelis, which was not a private domain, which means his shevitah is in the private domain and the eruv is conversely in the public domain, but in a karmelis. So it says in the Mishna, **"If one made an eruv in a karmelis, his eruv is valid in the private domain and in the public domain."**

The Reason: During Bein Hashmashos It's Permitted to Carry from a Karmelis

And then we also say that in practice he wouldn't have been able perhaps to eat from the eruv, because a karmelis is a rabbinic prohibition. But in practice, is a journey, an eruv one can yes. Why? The Rambam says so, already, **"at the time of acquiring the eruv which is during bein hashmashos,"** when does the eruv acquire? When is the taking effect of the eruv, that we say that then there is now his acquisition of shevitah? During bein hashmashos it happens.

And then indeed the law is that one may take out and bring in from a karmelis to a private domain or public domain for a matter of mitzvah. And we have indeed learned here, and as we already know the principle, as the Rambam states the principle, **"that everything that is from the words of the Sages, every thing that is a rabbinic prohibition, they did not decree upon it during bein hashmashos in a place of mitzvah or in a time of pressing need."** They did not decree during bein hashmashos in a place of mitzvah and a time of pressing need. Consequently, from the karmelis or to the karmelis he would indeed have been able to carry in order to be able to acquire shevitah. Consequently we look at it as if there can be a good place where he acquired shevitah.

I think that... ah, I thought, but he said that the slave works it even when it's not a mitzvah or pressing need. You must think about pressing need. He said that the slave works it even without any pressing need. Just, just, it happened to him so. So far. Well, further.

The Same Principle: A Torah Prohibition Invalidates the Eruv

The Rambam says, for the same reason, with... based on the law that he said, that a place where one wouldn't have been able to be together with it because of a Torah prohibition, the eruv is not a good eruv, because it means as if he couldn't have held any shevitah, and if it's only a rabbinic prohibition it means as if he indeed could have held and been able to have any shevitah.

Halacha 11 (Continued): Placed in a Tower

For the same reason it is so, **"placed in a tower,"** he placed it in a closet when a

Halacha: Placed It in a Tower and Locked It and Lost the Key

So far, well.

Further the Rambam says, for the same reason, based on the law that he said, that a place where one wouldn't have been able to be together with the eruv because of a Torah prohibition, the eruv is not a good eruv, because it means as if he couldn't have had any shevitah, and if it's only a rabbinic prohibition, it means as if he indeed could have had any shevitah.

For the same reason it is so, **"placed it in a tower and locked it, and lost the key"** – he placed it in a closet, and it locked, and lost the key, the key was lost. As we had the similar law in eruv chatzeiros. **"If he can take it out without doing work, this is an eruv."** Why? Because during bein hashmashos one would also have been permitted to do it, **"for it is only forbidden to do during bein hashmashos in a place of mitzvah except work"** – only a melacha.

That is, if he must do actual demolition, cut with a saw, I know, which would mean actual demolition, he wouldn't have been able to acquire shevitah. But if it's only that he would have had to break for example, he would only have had to do a rabbinic prohibition.

Innovation: The Decree Lest He Detach by a Reed – Close to a Torah Prohibition

Another similar law. **"Placed it on top of a reed or on top of a kondas growing from the ground"** – if one placed it on the tip of a reed or kondas, it looks from the same family as reed, we'll already see the Ra'avad speaks about this, which grow from the ground, **"it is not an eruv, a decree lest he detach"** – because we fear he will tear off.

Here immediately becomes difficult a great question, why a decree lest he detach? Why shouldn't we say that it's only rabbinic? And the commentators on the Rambam struggle with this. I think the Gemara, it's a Gemara, but the point is so, the prohibition of going up on a tree because we fear that one will tear out is rabbinic.

But the Rambam speaks of something more specific, a reed or a kondas, as I understand from the commentators, this is much a greater decree lest he detach, because many times one doesn't see whether the reed is still attached or it's just lying and it's already cut and it's just lying so. Which one can stick into the ground after it's already cut off.

And then we fear that the person won't know at all that he's doing a prohibition, he'll think that it's already torn off, and he'll take it down, give a pull to the reed in order to take down the eruv. Then, when the decree lest he detach is a very close decree, it's very close that he should transgress a Torah prohibition, then it doesn't mean an eruv even by... what? Then one wouldn't have been permitted.

Such a thing, we make here a bit of a distinction here, that what the Rambam says that a rabbinic prohibition is not forbidden during bein hashmashos, is an ordinary rabbinic prohibition, but something that is close to a Torah prohibition, something that one can very easily err and transgress a Torah prohibition, one indeed prohibits even on Erev Shabbos during bein hashmashos.

About this the Rambam says, that therefore it is indeed, if there is detachment and insertion, if the reed is already torn off and it's only stuck into the ground, and one knows clearly

that this is an expert and he won't have any mistakes, it is indeed an eruv, **"this is an eruv."** It may be that there is also perhaps something a bit rabbinic that one may not, perhaps it's muktzeh or I don't know what, but the rabbinic is not a problem for us. We only want to say that then when the lest he detach is a great prohibition and a strong concern, then it is indeed forbidden even during bein hashmashos.

Just, one must now think about other prohibitions during bein hashmashos once we know the law from the Rambam, just, because the Rambam didn't say it clearly on laws of bein hashmashos.

Halacha: Place of the Eruv – Four Amos

Okay, now one can learn what happens if the eruv crawled out from the techum, and it's even not out from the techum, it's even within four amos it still means good, since something outside the four amos where one places the eruv, yes?

The Rambam says further, **"Whoever places his eruv in a place, he has for his place of eruv four amos."** When a person places the eruv on a place, we look at it as if the four amos is the place of the eruv, we don't look only at the inch where it lies, the entire four amos is the place of the eruv.

Regarding what does he say so? **"Therefore, one who places his eruv techum not at the end of the techum"** – he placed the eruv techum at the end of the two thousand amos that he has, **"and the eruv rolled and went out outside the techum within two amos"** – the eruv rolled out and it went out two amos, two thousand and two amos it now lies.

A person could have thought that the eruv is nullified, as we learned earlier that when one places the eruv in a place where he cannot reach, because it's outside his Shabbos techum, it's not an eruv. But here it is indeed an eruv. Why? Because going out he has four amos.

The four amos that the Rambam speaks here is two amos to each side, he doesn't have four amos in one side, two amos each side from him. So he has around his place of a person. Consequently, in the two amos means the eruv, we look at us as if the eruv lies there in the two amos, we don't look at the inch. Consequently, where the two amos ends, there lies the eruv, and he acquired going out from his place.

But if it went out more than two amos, from going out outside two amos, it's already not an eruv, **"for it went out outside the techum."** And as we learned earlier, **"one who places his eruv outside the techum it is not an eruv, because he cannot reach the eruv"** – he cannot go there to acquire shevitah because he cannot arrive at the eruv.

In short, two amos one has credit, that's the point.

Discussion: Why Two Amos Here and Four Amos in a Person's Place?

Speaker 1: It's interesting why here the Rambam says two amos, and in a person's place four amos it looked like he has four amos to each side.

Speaker 2: No, no, but why doesn't the Rambam rule in the laws of Shabbos?

Speaker 1: No, seemingly there it's a person's place, here it's a person's eruv.

Speaker 2: No, I know that a principle... We also learned there that there are different ways how to calculate the four amos of a person.

Speaker 1: Good, good.

Halacha: Doubtful Eruv – The Eruv Rolled/Was Lost/Was Burned

"The eruv rolled and went out two amos outside the techum." Oh, is he going to say that the Rambam learns like the Gemara?

Speaker 2: No, no, now comes a new innovation.

Speaker 1: Since another detail... We learned that there's a way that the eruv becomes invalid, let's say it went more than two amos or other ways. But we learned that the eruv must still be valid during bein hashmashos. We learned that there's a way that it turns when it fell out. There are more conditions in the matter of the eruv rolling.

Speaker 2: Yes, the eruv rolled and went out two amos outside the techum. What?

Speaker 1: No, no, the innovation is here...

Speaker 2: Yes, yes, yes, he's already going to enter into the continuation and the doubt.

Speaker 1: Yes, yes, he's already going to enter into the bein hashmashos is without the eating. I think it comes out with without eating also without eating.

We learned that the eruv must be that when Shabbos comes it must be practical that he would have been able to eat the meal there, and with this he acquired shevitah there. But if it wasn't so the case, because it was one of these things: either the year rolled to stand on weekdays outside the techum, and it means as if the eruv wasn't in the place where he would have been able to reach, **"or his eruv was lost"** – the eruv became hidden, was lost, **"or was burned"** – it became burned, **"or it was terumah and became impure"** – he used terumah for his eruv and it became impure.

So it is, **"while it was still day, it is not an eruv,"** and the Rambam is already going to explain why, because the eruv happens when Shabbos comes, and here when Shabbos came the eruv was already not, or wasn't in place, or wasn't valid, or wasn't... yes.

But if it happened **"after dark,"** which already happened when it was already Shabbos, **"this is an eruv, for his eruv acquired for him during bein hashmashos,"** and consequently when it was bein hashmashos there was an eruv.

But what is the law if there's a doubt? We don't know when it was burned. **"A doubt whether during bein hashmashos"** – whether it was during bein hashmashos, whether it happened before or after, so it is, the law is **"this is an eruv."** A doubt during bein hashmashos, or we don't know when it was burned.

I think here the matter of doubt, the matter of doubt means that the person came on Shabbos and he sees it's burned, he doesn't know when it was burned. Or he knows that it was burned at a certain time, he doesn't know if that was during bein hashmashos. So **"this is an eruv."** Why? There's a law that a doubtful eruv is valid. A doubtful eruv is also valid. An eruv that is doubtful whether it's valid, is a rabbinic doubt and it's valid.

"Therefore, if it was burned or lost during bein hashmashos, this is an eruv." Ah, here he says clearly that doubt means a doubt of day or after dark. But from the words "doubtful eruv" presumably also means the case that I said, when one doesn't know when it happened.

Halacha: Agent – Two People with Different Doubts

The Rambam says so, now he's going to speak about... laws of doubt, but here he's going to tell us another thing, that one can send an agent. Until now he spoke to us when a person goes himself to make an eruv, but now he says, one can also send someone an agent.

English Translation

They said to two people – two people said to a person, "Go and make an eruv for us" – go make an eruv on my behalf. So **one he made an eruv for while it was still day, and one he made an eruv for during bein hashmashos (twilight)**. It's an interesting case, for one he hurried there, and he arrived there at the very last minute, one he still caught and he made the eruv for that one while it was still day, and the next one was already during bein hashmashos.

We learned that both should be valid, yes, because a doubtful case is valid. But now such an incident occurred: **The one for whom he made an eruv while it was still day, his eruv was eaten during bein hashmashos**. A wild animal came there, a local wild animal like that, because it knew it had to create an interesting halachic dilemma. The one that was placed while it was still day, it ate up during bein hashmashos. So the simple understanding is that there's a doubt whether there was an eruv when Shabbos came, because he placed it during bein hashmashos.

And the one for whom the eruv was made during bein hashmashos, **his eruv was eaten after dark**. So there's also a doubt, because if it was still day when he placed the eruv and it was eaten only at night, it's still good.

So the halacha is indeed so, that both are doubtful, two types of doubts. **Both acquired an eruv, for bein hashmashos is a doubt, and a doubtful eruv is valid**. There's no difference whatsoever, whether the doubt was this way or that way, and it's also not a contradiction, right? That's the novelty, you might think if it was night the second one shouldn't... that each one of them is a doubtful eruv, and therefore it's valid.

Halacha: L'chatchila One Should Not Make an Eruv During Bein Hashmashos

Very good, a doubtful eruv is valid. The Rambam says, **nevertheless**, that after the fact an eruv is valid during bein hashmashos, but l'chatchila (initially), says the Rambam, when it's **doubtful whether it's dark or not dark**, when it's the bein hashmashos time, one should not make an eruv techum l'chatchila. But when one makes an eruv, all these things we discussed are after the fact, it is an eruv. But it's not l'chatchila.

Halacha: A Pile Fell on the Eruv

More similar questions of such types of doubts. The Rambam says, **a pile fell on the eruv on the day of erev Shabbos** which was still day, a pile of stones fell on the eruv.

An Eruv That a Pile Fell Upon (Continued)

That is, if for example simply moving the stones is not a melacha (prohibited labor), but if it's called soter (demolishing), or we had a clarity when removing a pile is called boneh choresh (building/plowing), but however it is, if one cannot do it without a melacha – that is if it's only rabbinic, an eruv that was slaughtered during bein hashmashos, if it's only rabbinic it's valid, because during bein hashmashos one may do a rabbinic prohibition for an

important need, one would be allowed to remove the eruv. But if one must do an actual melacha, then one doesn't do it.

He says, **if a pile fell on it after dark**, which is the same incident but when it was already Shabbos, **this is an eruv, even though it's impossible to remove it except by doing melacha**, because when it was during bein hashmashos it was a valid eruv.

Doubtful whether it fell while it was still day or after dark, is also **this is valid** for the same reason that we learned that a doubt regarding an eruv is valid, because here there's a doubt, according to the possibility that it was still day.

Discussion: Can One Make a General Rule of Doubtful Eruv

Speaker 1: Can one make a general rule here, doubtful eruv, or eruv during bein hashmashos?

Speaker 2: Yes. It's more like a general rule, because it's one doubt. But the bein hashmashos brings the interesting cases that he discusses from day.

Now we've seen such a type of doubt that helps and what doesn't.

Eruv with Teruma That Is Doubtfully Impure

The Rambam says, this is interesting, this is a scholarly piece. **But one who makes an eruv**, if a person learned until now, he would say that every doubt regarding the eruv is valid, must be valid. The Rambam says not so.

But one who makes an eruv with teruma that is doubtfully impure, if one made an eruv with teruma that is doubtfully impure, and he thinks, it will be a doubtful eruv, and a doubtful eruv is valid? He says that it's **not an eruv**, because in practice a Jew may not eat teruma that is doubtful teruma. It's actually only rabbinic, let's say it's only rabbinic, two levels because it's rabbinic, but he may not in practice. In practice it's **a meal that is not fit, that is not a fit meal**.

Discussion: Can One Reach the Eruv

Speaker 1: And so, he cannot eat it in practice, must he...

Speaker 2: Right, when the question is whether when one can reach there in such things, is...

Speaker 1: Yes, but when in practice he may not eat it, it's as if it's **not fit for eating**, it's not an eruv that he can eat.

Two Loaves of Teruma – One Pure and One Impure

And so, one who is mixed, he says, from the hidden, even when it's such a type of doubt. **Behold before him are two loaves of teruma, one pure and one impure, and he doesn't know which of them**, he doesn't know which of the two is the valid pure one, he may not eat both now. But he has a potential though.

He says so, he may not eat both, but he says, he thinks so, I don't need to eat, it needs to be fit for eating, and one of them is indeed fit for eating. **He said**, he says so, **"I am with the pure one wherever it is"**, whichever is the pure one, let the eruv be with that one. It's still **not an eruv because there's no fit meal for eating here**, because he in practice may not eat from both, because both are doubtfully impure teruma, he made an eruv with a meal that is not fit.

A Loaf That He Consecrated for Tomorrow – Today It's Chol and Tomorrow Kodesh

The Gemara says so, he said, he said so, he consecrated a loaf, but he said so, **this loaf today is chol (non-sacred)**, today let the loaf still remain chol, **and tomorrow I will**

consecrate it, tomorrow let it be kodesh (sacred). And he's a Yisrael and it's not in a sacred place, he cannot eat it. **And he made an eruv with it**, he made an eruv with it, **this is an eruv**. Why? **Because during bein hashmashos it certainly has not yet been consecrated**, during bein hashmashos the loaf has not yet become consecrated, it was supposed to become kodesh when it's certainly tomorrow.

Fine, he made an eruv with it during the day, it's the beginning of bein hashmashos. Bein hashmashos was still a doubt. It's a doubt, why shouldn't we say then that he may not eat it because it's a doubt, just like the previous impure teruma, doubtfully impure teruma.

Discussion: The Difference Between Doubtful Kodesh and Doubtful Impure Teruma

Speaker 1: Are you telling me well? Do you understand what I mean to say? It's a doubtful kodesh, he may not eat it.

Speaker 2: Right, it's clear that the kodesh only becomes when it's certain. I don't know, what does "it has not yet certainly been consecrated" mean? Something lies here.

Speaker 1: But I'm asking a question, if we need to be fit for eating practically, seemingly one may not eat that kodesh during bein hashmashos.

He explains so, he says that as the Gemara says it is, that the permission of today precedes the prohibition of tomorrow, and the doubt of bein hashmashos is not strong enough to remove something from a presumption of permission. That is, when it begins, when it becomes the first doubt, it's still a presumption of permission, because the kodesh happens only when it's already Shabbos. And that's the calculation.

I'm asking a question, why doesn't he write that seemingly this is the same as the previous case, and he needs to have a clear distinction. It's certain that in practice one may not eat it, only in a scholarly ruling it means less doubtful prohibition than the previous case.

Today Kodesh and Tomorrow Chol – The Opposite

But if he said **today kodesh and tomorrow chol**, today let it be kodesh and only on Shabbos let it become chol, one would think that this should be permitted. But then **one does not make an eruv with foods until it gets dark**. The point is, when Shabbos comes in, it's still in its presumption of purity, presumption of validity.

So says the Rambam in Perush HaMishnayos, "separating teruma, and some explain separating from the teruma, and some say that it should not be teruma until it gets dark". It should only take effect as teruma, yes, when it becomes Shabbos, then it should receive the sanctity of teruma. So **one does not make an eruv with foods, behold it's tevel all during bein hashmashos**. As long as the teruma doesn't take effect when it becomes Shabbos, it's tevel, **it doesn't need two meals day by day**. It needs to be that before Shabbos the meal should be ready.

One Who Places His Eruv in a Cemetery

More similar questions like this. **One who places his eruv in a cemetery**, someone places an eruv. We said that a cemetery is forbidden for benefit. A cemetery is forbidden for benefit. Here, he wants to have benefit from the cemetery, he wants to make an acquisition on his bread. But, "since he wants the eruv to remain there after acquisition", he wants the eruv to be there, he wants the cemetery to be a good guarded

place that will hold his eruv, **behold he benefits from it**. He has benefit. So the eruv is not valid?

Discussion: What Is the Benefit from the Cemetery

Speaker 1: Because if he goes to eat it, it means he has benefit from the eruv. I don't know, one may not eat in a cemetery, because it means benefit from a cemetery. I didn't know, crying at a grave also means a benefit?

Speaker 2: No, because he is designating a vessel, he is using the cemetery.

Speaker 1: Because he stands on the ground of the cemetery?

Speaker 2: He needed it to remain there.

Speaker 1: But by not using he needed it to remain.

In short, when he wanted it to be an acquisition of residence, he needed the cemetery to be there, it shouldn't be swallowed up in the public domain. It's a distinction. He needed the cemetery. Does it mean he benefits from the cemetery.

Speaker 1: He places it on a tombstone.

Speaker 2: Aha, makes sense.

Speaker 1: Okay, we're talking about a case when one must benefit from a grave. Makes more sense.

Look at the next halacha, let's see. There was a... a place for the dead, okay?

Digression: Is Eruv a Mitzva

Speaker 1: It could be that you perhaps have here a bit of a mitzva, is there a principle of "do not say to the wicked" that he does the mitzva of eruv. He says the blessing on the mitzva of eruv.

Speaker 2: Seemingly not, because it's not a mitzva, it's only a permission.

Speaker 1: Okay.

Placed It in a Beis HaPras

Placed it in a beis hapras, he placed it in a place that has the law of beis hapras. Beis hapras means a place where there's a doubt of impurity, we don't know if in the ground there is perhaps a bone. So it's **yes an eruv, even if he is a kohen**, here is the novelty. If a kohen places the eruv in a cemetery, it's certain that it's not an eruv, because he may not enter a cemetery. But in a beis hapras, which a kohen also may not enter a beis hapras, but for a beis hapras there are indeed solutions. Because in a beis hapras there's a permission to enter with a **flying tower**. There are always helicopters. He can always catch a helicopter and be there by the eruv.

Discussion: What Is a Flying Tower

Speaker 1: A tower, as we learned before, a chest, a flying chest. Well, what is a helicopter if not a flying chest? A chest where there's room for people to enter.

Speaker 2: I'm doing in a reality's way what was then. I wouldn't, no.

Speaker 1: I mean, when one says rolling fruit, it's not because it was reality, but because it's relevant, because there's a way to do it. But if someone wants to build such and four people should catch him with a rope, it's not.

Speaker 2: Oh, those four, yes, let's say there's a permission, one can blow, one will blow in the sand and go.

Speaker 1: Yes, go strongly, yes.

Because every way in doesn't mean like I'm prevented from reaching my eruv, therefore he can indeed go.

Many Who Wanted to Join in Eruv Techumin

What happens when several people make an eruv? This is the Rambam: **Many who wanted to join in eruv techumin**, yes, so **they gather all their eruvs together**, one takes all their eruvs together, **two meals for each and every one**, one must give a measure of two meals for each and every one. There isn't like Rabbi Yitzchak mentioned earlier, there isn't the permission that after a certain amount, there isn't a head count, we count us at eighteen. Eighteen was the measure. Each one must give two meals. Each one must give two meals. **And they place it in one vessel in the place they wish**. Everyone must agree.

Discussion: Why One Vessel

Speaker 1: Why must one place it in one vessel?

Speaker 2: That's just to say that one can. Even if one places it in one vessel it's good.

Speaker 1: Why should one place it in one vessel? Two people, each one has his eruv, what does it matter to you what the other does? What's the point?

Speaker 2: That a vessel means only one person's eruv?

One Makes an Eruv for All – Must Inform Them

And if one made an eruv for all, if one makes an eruv for everyone, that is he is transferring ownership, there's such a law that one must transfer ownership through an agent. **He must transfer ownership to them through another**, one must be through an agent. But in the laws of eruv it wasn't, but here there's a novelty: **and he must inform them**. One must inform them.

Usually there's the law that "one may act in a person's interest in his absence." Here is precisely the law, when one gives a gift to someone one must inform him, but we're not talking here about the matter in tractate Beitza. When one makes eruv chatzeiros for someone one doesn't need to inform him, because one does him a favor, one makes it so he can carry in the courtyard. But here one must inform. Why?

He says so: **because one does not make eruv techumin for a person except with his knowledge**. He makes a general rule here. But one cannot make eruv techumin for a person except with his knowledge. Why? **Perhaps he doesn't want to make an eruv in whichever direction he wishes**, that's the issue. So the matter that exists also takes a... it's not such a clear benefit to a person. Why? Because if the person wants to go the other direction, are you now blocking it? Because if you make an eruv for him, he becomes stuck on the side where you place him. Meaning, the eruv won't work, and that's such an obligation such... therefore it's not a certain benefit for him.

But **"if he informed him while it was still day"** – if he informed him while it was still day that he's going to make an eruv for him, then **"even though he only wanted it after dark"** – even during the day the person still had two extremes, he wants yes, he wants no, "such is the way of a person", but when it became dark he decided, yes, he indeed wants to use the eruv, then that's called an eruv. Because in practice it turns out that it was a benefit for him, in practice he wanted it. There was a choice, there was a choice, and it became a choice. Ah, that's the point. A breira (retroactive choice), it's already made, but it was conditional. Conditional on his will. And in practice it was his will, even on Shabbos,

but it's considered as if on erev Shabbos this was his place of residence.

"But if he didn't inform him until it got dark, he doesn't fulfill with it, because one doesn't make an eruv after dark". One cannot make an eruv only... the eruv only works after he knows. He makes a distinction here between knowledge and consent. He doesn't need to consent, but he needs to know. Because if he knows, the person makes a long condition. We'll soon see that one can make a distinction in conditions. He can, even if he doesn't yet know, he can as it were say and later make with his will. If he wants, he had an eruv, and if not, not. The condition takes effect, and a person can make a condition on himself too. To the east, we'll see later. We'll see that he had an eruv, because the rabbis validated his power, he said it was an acquisition, but he wasn't yet consenting, he wasn't yet deciding that he indeed wants to go there.

Halacha 19 – Who Can Transfer Ownership of Eruv Techumin

Okay. Now, the acquisition (zechiya), he says, is like the acquisition by eruv chatzeros. **Kol hazocheh b'eruv chatzeros**, everything that we learned in the laws of eruv chatzeros regarding who can acquire on behalf of his householder, what we learned there that the wife can, and even a slave I think it says there in the Panim, can also acquire through eruv techumin. One who acquires through eruv chatzeros is one who acquires through eruv techumin.

That means, it must be someone who is not yado k'yado, meaning like a minor, and it means it must be a person who has authority (reshus), perhaps even a minor, that according to the Rabbanan one can make a minor acquire. But not someone who is the same authority as you, adoni u'vno u'vito. Ah, this is someone who is not the same person as me. Very good. It must be someone, but an eved ivri is already a question, it's not yado k'yado. In short, it must be a second person who is not the same person as you. Very good.

Halacha 20 – Giving Money to the Householder / Shopkeeper / Baker

Now, the Rambam continues, **nosen adam ma'os l'ba'al habayis**, a person can give money to a householder **kedei sheyikach lo bahen pas**, buy bread and make an eruv techumin. This can be done. But if one gives to a chanvani or l'nachtom, to a baker, and tells him "zecheh li b'ma'os elu eruv", why not? Because one didn't appoint a messenger (shaliach), and one doesn't trust what happened.

Discussion: Why Doesn't It Work with the Shopkeeper with Just Money?

Why can't one do it with a shopkeeper? Yes. I don't know why. That means something he wasn't appointed (memaneh)? One didn't give him a language of agency (lashon shlichus). He says it's not a language of agency. What are we talking about here at all? I tell him, "Please, place the eruv for me at such and such a place. Place the bread for me. I'll pay you for a bread, place the bread there and there."

Yes, he says that the problem is that movable property (mitaltilin) is not acquired with money (nikaneh b'ma'os). So, he only gave him money, and he didn't acquire it for him (mazke). If he would have acquired it for him, it would indeed be good. That's not the question. That means, if the shopkeeper would afterwards go take a second person and say,

"zecheh l'adam ploni v'arev", it's good. The point is, that means, if I give money to a person, and that person goes to the store, that person makes a proper meshicha on the bread, and he makes the meshicha for me, and he places my eruv. But the shopkeeper, he meanwhile has a bread, and I only gave money, and with money alone one doesn't acquire. He must additionally make an acquisition (zechiya). The point is, he didn't make any acquisition.

"Arev Alai B'ma'ah Zo" – Language of Agency

"**V'im amar lo arev alai b'ma'ah zo**", instead of what he indeed told him in the manner of agency, "**harei zeh lokei'ach bahen pas v'ochel u'm'arev alav**". Why? Because then the shopkeeper knows that he must acquire the... That means, "lokei'ach bahen" is to buy. The shopkeeper will go buy on his behalf (b'shlichuso) and place it for him.

Kinyan Chalipin with a Vessel

"**Im nasan lo kli v'amar lo ten li b'zo ochel v'azkeh li bah**", he gives him the vessel and with it make the eruv, "**harei zeh lokei'ach ochel u'm'arev alav**", he should do it in the manner, he must follow, yes?

Ah, he tells him, "ten li b'zo" means, ah, he tells him, "acquire the vessel, and with the money give me the...". This one can indeed do, this is an acquisition that one can make, and this means that he indeed acquired it for him. This is a kinyan chalipin. The point is that when the shopkeeper, with money alone, there was no acquisition, because he didn't acquire it. That's how I understand the explanation. Okay, give me a minute.