

This month's Daf Digest is dedicated
L'iluy Nishmas Mrs. Yenta Weiss, Rivke Yenta bas Asher Anshel & Yosef ben Chaim HaCohen Weiss
By Mr. and Mrs. Manny Weiss
L'iluy Nishmas **שרגא פייוול דוד בן קמואל**
By the Abramowitz family

OVERVIEW of the Daf

1) A karpeif (cont.)

R' Huna the son of R' Yehoshua's qualification of the Gemara's ruling is changed to the following: The case where it is permitted to carry if the vegetables were planted in a minority of the enclosed karpeif is when the planted area does not equal the size of two beis seah, but if the planted area does equal the size of two beis seah carrying is prohibited. This ruling is consistent with the ruling of Rabanan who prohibit carrying from a permissible karpeif to a chatzer.

R' Yirmiyah from Difti offers an alternative explanation which permits carrying from the karpeif to the chatzer as long as the planted area is not larger than two beis seah. This leniency would be consistent with the ruling of R' Shimon who permits carrying from a permissible karpeif to a chatzer.

R' Yehudah in the name of R' Avimi disagree whether the karpeif planted with trees must be arranged in rows making it a pleasant place to sit or not. A story is cited where R' Huna bar Yehudah conducted himself in accordance with the lenient opinion of R' Nachman.

2) Transforming a non-residential karpeif to a residential karpeif

R' Nachman in the name of Shmuel instructs: A karpeif originally enclosed for non-residential purposes could be transformed to a karpeif enclosed for residential purposes by making a breach ten amos and then repairing the breach.

The Gemara questions whether the ten amos must be breached at one time or may it be breached and repaired piecemeal?

The Gemara demonstrates that even if one makes the breach and repairs it piecemeal it is permitted.

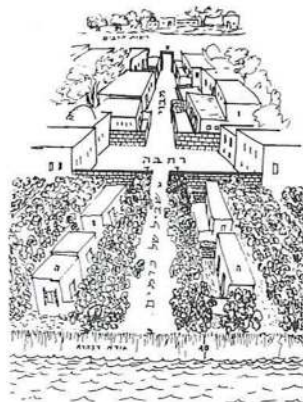
3) A back lot

R' Kahana rules that a back lot has the status of a karpeif since it is not designed for residential use.

R' Nachman explains that if an entranceway was constructed before the back lot was enclosed carrying is permitted but if it was enclosed and then the entranceway was constructed it still remains a karpeif.

(Continued on page 2)

Daf DIAGRAM



הנהיג רחבה דהואי בפום נהרא...

The end of the mavoi opposite the city plaza was either enclosed with a צורת הפתח or it could have been sealed off completely.

There was a central plaza in the city of Pum Nehara. One end of it was open to a mavoi. The other end opened to a path through a vineyard. The path of the vineyard led to the bank of the river. ■

REVIEW and Remember

1. Explain the dispute between R' Shimon and Rabanan concerning carrying from a karpeif to a chatzer?
2. Why is a back lot normally treated like a karpeif enclosed for non-residential purposes?
3. What was the Gemara's proof that a water covered area is not considered unusable?
4. Why did Rava reject Abaye's solution for adjusting the back lot in Pum Nahara?

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HALACHAH Highlight

Karpeif—Part 2

קרפף יותר מבית סאתים שהוקף לדירה

(excerpted from The Contemporary Eruv)

The Dvar Shmuel (cited in the Biur Halacha 358:9, d.h. Aval Im Nizra) allows a karpeif consisting of planted fields within an eruv when the significance of the inhabited sector of the enclosure outweighs the significance of the uninhabited, planted sector. Most Poskim conclude, however, that the Dvar Shmuel's leniency only applies to enclosures consisting of real walls. This ruling is, therefore, generally not relevant in modern urban settings. The Chacham Tzvi (# 59, also cited there by the Biur Halacha) extended the Dvar Shmuel's leniency even to cases where a tzuras ha'pesach preceded the development of a karpeif (such as a planted field) within its perimeter. In the specific case discussed by the Chacham Tzvi, however, other mitigating factors were involved. See also Nesivos Shabbos 13:15 and note 50.

The Divrei Malkiel (Vol. 4 siman 3) and others rule that if an eruv was built around an area that contained a pre-existing karpeif, then the "hekef l'dira" (the act of enclosure for the purpose of enhancing human habitation) of the eruv enclosure counteracts the eino mukaf l'dira of the karpeif. Such an eruv is therefore valid. The case in question in that teshuva, however, concerned an area that was technically suitable for walking, however the gentile owner would not allow anyone to actually do so.

Furthermore, the Divrei Malkiel employs several additional reasons in validating the eruv that included this karpeif. It is therefore difficult to isolate one of his reasons and extrapolate a universal leniency based solely on that one reason. [In

(Insight...continued from page 1)

4) A karpeif that becomes filled with water

A karpeif larger than two beis seah enclosed for residential purposes that became flooded retains its permitted status because it is looked like a karpeif planted with trees.

Ameimar rules that the water must be fit for use.

R' Ashi asserts that if the water ten tefachim deep covers an area more than two beis seah carrying is prohibited but the

Gemara refutes that position.

5) The back lot of Pum Nahara

In Pum Nahara there was a back lot the opened on one side to the mavoi that leads into town and on the other side opened to a path through the vineyards which itself ended by the bank of the river which had the status of a valid partition.

Abaye suggested as a means to adjust the back lot to a karpeif enclosed for residential purposes, to erect a lechi by the entranceway to the path in the vineyards.

Rava rejected that solution and instead suggested erecting a lechi by the entranceway to the mavoi that leads to town.

Carrying in the back lot and the mavoi are certainly permitted. There is, however, a dispute whether it is permitted to carry from the mavoi to the back lot, or from the back lot to the mavoi. ■

Hilchos Eruvin 4:14, note 168, Rabbi Lange notes that the Biur Halacha, *ibid.*, d.h. HaZera'im Mevatlim HaDira would apparently disagree with the Divrei Malkiel. Rabbi Lange therefore says that one may rely on the Divrei Malkiel's heter only "b'dochak gadol." The best solution is to exclude a questionable area from the eruv. Constructing a tzuras ha'pesach around the karpeif itself may accomplish this. ■

Distinctive INSIGHT

Carrying in the Back Lot Behind the Houses

רחבה שאחורי הבתים אין מטלטלין בו אלא בד' אמות

Rashba, in the name of Ra'avad, explains that this back lot is comprised of an area where four different neighbors each built a house, one to each direction of the lot. The back walls of each house then make up the four walls

which surround this lot. In this case, because the walls were made to enclose the respective houses, rather than to enclose the lot, the lot itself is not considered adequately encircled. It therefore has the status of a karmelis, and one may not carry in it beyond a four amos limit.

Rashba notes that it seems from the Ra'avad that it would be permitted to carry in a back lot of a single house, even though it has no entry, because the walls were built as its enclosure. Yet, the Rashba himself rejects this ruling, based upon the Gemara later (26a), where we

learn that an area which is first enclosed and only later inhabited has the status of a karpeif. Even if it is owned by a single person, it is still prohibited to carry in such a domain.

Rather, Rashba concludes that in order to carry in a back lot, it must be constructed such that the lot has to be in use before the walls were built. In this manner, we can then consider the walls to be as enclosures for this lot.

Meiri holds that this back lot has the status of a karpeif even if it is less than two se'ah in area. ■

