

OVERVIEW of the Daf

1) Rava's analysis (cont.)

Rava explains the fourth case and R' Huna the son of R' Yehoshua unsuccessfully challenges his analysis.

2) Relinquishing rights

R' Chisda asked R' Sheishes what the halachah would be if non-Jews came and enclosed two houses that were on two sides of a reshut harabim. Is it permitted for one resident to relinquish his rights to the other on Shabbos?

R' Sheishes answered that it may not be done.

R' Chisda asked R' Sheishes what the halachah would be if a non-Jew died on Shabbos leaving in the chatzer two Jews who did not make an eruv or lease rights from the non-Jew. Is it permitted for one resident to relinquish his rights to the other?

R' Sheishes replied that in his opinion it may be done but R' Hamnuna rules that it may not be done.

3) Alternative entrances

R' Yehudah in the name of Shmuel ruled: If a non-Jew has an entrance four by four tefachim that opens to an empty field he does not restrict the residents of the mavoi.

If the alternative entrance leads to a karpof the halachah will depend upon whether the resident is a Jew or non-Jew and the size of the karpof.

4) The status of a karpof

Ulla in the name of R' Yochanan rules: If one throws an object from a reshut harabim into a karpof he is liable regardless of its size since it is enclosed.

R' Huna bar Chinana unsuccessfully challenges R' Yochanan's ruling.

5) Carrying water for a circumcised infant

The Gemara tells of the incident where Rabbah instructed another to tell a non-Jew to carry hot water through an eruv that was not joined in an eruv. Although Abaye wanted to question this ruling R' Yosef did not permit until after the water was carried.

Abaye begins to explain his difficulty with Rabbah's ruling. ■

REVIEW and Remember

- How would R' Sheishes and R' Chisda react when they would meet one another?
- Why does the idolater with an alternative entrance not restrict the other members of the mavoi from carrying?
- What is the status of a karpof according to the Torah?
- Why did R' Yosef not permit Abaye to question Rabbah's ruling before it was implemented?

Gemara GEM

A Mighty Meeting of the Minds

רב חסדא ורב ששת כי פגעי בהדי הדדי, רב חסדא מרתען שיפוטתיה ממתנייתא דרב ששת, ורב ששת מרתען כוליה גופיה מפלפוליה דרב חסדא.

When Rav Chisda and Rav Sheishes met each other, the lips of Rav Chisda used to quiver in awe of the erudition of Rav Sheishes in the area of Mishnayos. The entire body of Rav Sheishes used to tremble due to the depth of the reasoning power of Rav Chisda.

Rashi explains that Rav Sheishes was extraordinarily well-versed in the Mishnayos. This is why Rav Chisda was afraid that Rav Sheishes would challenge him with a question between Mishnayos and ask him to answer it. On the other hand, Rav Chisda possessed a sharp and especially perceptive intellect. Rav Sheishes was afraid that Rav Chisda would engage him in an intricate discussion, and that he would have a difficult time following the reasoning to its end.

The Gemara in Menachos (95b) describes Rav Sheishes as a scholar who was "hard as iron." Rashi there explains that Rav Sheishes was sharp in wit, and able to perceive the issues involved in the discussion to their halachic conclusions. Tosafos explains that the term "hard as iron" is a generic praise of a Torah scholar, as we find (Ta'anis 7a) that a talmid chacham should be tenacious and unyielding in his studies. Seder HaDoros points out that Tosafos is actually arguing with Rashi, for, as we find in our Gemara, the description of Rav Sheishes as a witty and sharp-minded scholar is a title more appropriate for Rav Chisda, rather than for Rav Sheishes.

R' S. Katzenelbogen notes that it was only the lips of Rav Chisda that trembled when he met Rav Sheishes, but it was the entire body of Rav Sheishes that shook when he met up with Rav Chisda.

The reason is that Rav Chisda knew the Mishnayos, but he feared that he would simply be unable to answer a question about an apparent contradiction between texts. The concern of Rav Sheishes, however, was more profound. He was not only nervous that he would not know an answer to a particular question which might be proposed, but he was also concerned that he would not understand or be able to follow the nature of the discussion which Rav Chisda would introduce. ■

Today's Daf Digest is dedicated

In memory of

Moshe Ben Yechazkel, Moshe Ben David,
Yossef Chaim ben Avraham, Aziz Ben Avraham,
Chaim Shalom Ashkan Ben Shahla, Yoav ben Ezra,
Iran Bat Shelomo, Parvin Bat Shelomo and Parvin bat Yehuda.

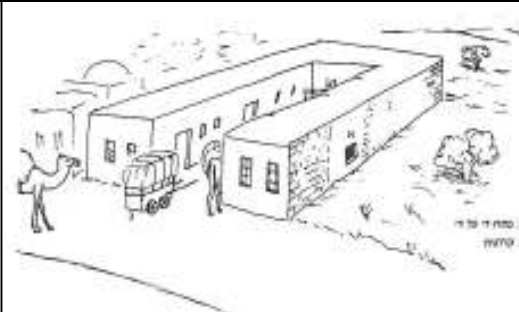
HALACHAH Highlight

Atonement for inadvertent violation of a Rabbinic prohibition

R' Yosef in the name of R' Kahana relates that when he was in R' Yehudah's Beis Midrash he instructed his students that when someone was prepared to issue a lenient ruling on a matter of Biblical law and the students had a question they should ask their question before following the ruling. If, however, the matter relates to a Rabbinic matter, it was permitted to follow the ruling and then raise questions afterwards. The reason regarding Rabbinic matters it is permitted to act first and ask second, explains Nesivos HaMishpat¹, is that one who inadvertently (shogeg) violates a Rabbinic prohibition does not require atonement and it is as if he did not commit a transgression. Therefore, even if it turns out that the Torah scholar who issued the ruling was incorrect, there is no harm since it is as if no transgression was committed and atonement is unnecessary. With this principle he explains Shulchan Aruch's ruling² that if Reuven sells food to Shimon that is Rabbinically prohibited, if Shimon did not discover that the food was prohibited until after it was consumed, Reuven is not obligated to refund any money. The reason is that since Shimon does not require atonement for this transgression it turns out that he benefitted from the Rabbinically prohibited food and he has no basis to demand a refund.

Other Poskim reject the assertion that one who inadvertently violates a Rabbinic prohibition does not require atone-

Daf DIAGRAM



נכרי שיש לו פתח ארבעה על ארבעה פתוח לבקעה, אפילו מכניס ומוציא גמלים וקרונות כל היום כולו דרך מבוי אין אוסר על בני מבוי.

Although a non-Jew who

shares a mavoi with Jewish residents prohibits them from carrying in the mavoi, if he has an opening of at least four by four tefachim that leads to a field he does not restrict the other residents from carrying. This is true even if he brings camels and wagons in and out of the chatzer the whole day. The reason is that we assume he prefers the opening which is his exclusively. ■

ment. Or Sameach³ observes that according to Nesivos HaMishpat it is permitted for someone to give his friend food that is Rabbinically prohibited since the recipient will inadvertently eat the food that is Rabbinically prohibited and will not require atonement. He finds this to be an untenable conclusion to draw. Elya Rabba⁴ writes concerning Rabbinic Shabbos prohibitions that one who violates one must fast for 40 days even if the violation was inadvertent clearly indicating that atonement is necessary for inadvertent Rabbinic violations. ■

1. נתיבות המשפט סי' רל"ד סק"ג.

2. שו"ע חו"מ סי' רל"ד סעי' ג'.

3. אור שמח גירושין פ"א הי"ז.

4. אליה רבה סי' של"ד ס"ק כ"ו והובא במ"ב שם ס"ק ע"ח. ■

Distinctive INSIGHT

Karpef Redux

סלע שבים גבוה עשרה ורוחב ארבעה אין מטלטלין לא מתוכו לים ולא מן הים לתוכו ועד כמה עד בית סאתים הא יתר מבית סאתים מטלטלין אלמא כרמלית היא

From *The Contemporary Eruv*, translation of Tur §346:

A karpef [an area that is surrounded by an enclosure and not roofed over, similar in appearance to a courtyard (Rama, Shulchan Aruch, ibid., 346:3)] larger than a beis se'asayim [5000 square amos in any shape] that was not enclosed with the intent to render the area suitable for habitation is, nevertheless, considered a

reshus hayachid mid'oraysa. The Sages, however, banned one from carrying an object four amos within such a karpef, lest one come to carry in a reshut ha'rabbim. Nevertheless, it is permissible to transfer an object from a karpef to another type of carmelis next to the karpef, such as to an area encompassing many cultivated fields. This is permitted even though the karpef is technically a reshut hayachid mid'oraysa [while the area encompassing many cultivated fields is a carmelis mid'oraysa]. Although the Sages generally forbade transferring objects from a reshut hayachid to a carmelis, in this case they allowed such activity, for were they to ban it, people might mistakenly conclude that a karpef is a reshut hayachid even mid'rabbanan, and would

therefore come to carry objects within the karpef indiscriminately. It was therefore deemed better to permit the relatively uncommon activity of transferring objects from a karpef to a carmelis - so as to bolster the prohibition of carrying within the karpef - than to prohibit that activity, lest people then [mistakenly] allow themselves to engage in the far more common activity of carrying objects within the karpef. This, in turn, could lead people to carry in an actual reshut ha'rabbim. Therefore, if a walled garden larger than a beis se'asayim not designated for habitation adjoins an area encompassing many cultivated fields, it is permissible to take a key from that adjacent area, open the door to the garden, and place the key within the garden. ■