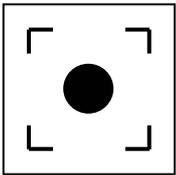




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## Diyumdin vs Lechi

Last issue we discussed the topic of *tikkun mavoi*. This week we were introduced to the unique partition found in the case of *bira'ot* – waterholes. People that travelled to *Yerushalaim* for the festivals were faced with a problem. A deep water-hole or well can be defined as a private domain. If this waterhole was situated in the public domain one would be unable to draw water from it on *Shabbat* without transgressing a biblical prohibition. Therefore, in this unique case, the *Chachamim* enabled one to place corner boards (*diyumdin*) which would serve to partition the area around the hole making it a private domain and enabling the *olei la'regel* to draw water there.



One *Mishnah* (3:4), when analysed properly, reveals much about the nature of the unique partitions raised in these two categories.

*R' Yehuda* states, if a public pathway cuts through [the area by the waterhole within the corner boards] it must be diverted around it. The *Chachamim* argue that this is not required.

To explain, *R' Yehuda* maintains that the public pathway invalidates the partition (*ati rabim u'me'vatel mechitzot*) while the *Chachamim* disagree.

The *Gemarah* (24a) quotes another debate where both *R' Yehuda* and the *Chachamim* argue in stark contrast to the above explanation.

*R' Yehuda* explains, if one has two houses on each side of the public domain he can place a *lechi* or *korah* on one side and a *lechi* or *korah* on the other, and then he can carry in that region. [The *Chachamim*] responded one cannot fix the public domain in that manner.

The implication is that here it is the *Chachamim* that maintain that the public passage invalidates the partition.

The *Gemarah* solves the apparent contradiction in both opinions. To resolve the opinion of the *Chachamim* it explains that in the first case, there is a "name" of four partitions, while in the second case this is lacking. The *Rashba* explains that while the *diyumdin* constitute real walls, the *lechi* represent a second rate wall. In other words, the *Chachamim* generally maintain that a public

passage cannot invalidate a genuine partition. A *lechi* however does not constitute a "real" wall. One could explain that the *lechi* simply satisfies the requirement of having a wall without being one. Consequently it cannot withstand the public passage.

The apparent contradiction in *R' Yehuda's* opinion is explained differently. The *Gemarah* explains that according to *R' Yehuda* the second case is different as it has two "genuine" walls. One point is immediately clear; *R' Yehuda* does not consider the *diyumdin* as "genuine" walls. However, what advantage does the presence of these two walls present?

The *Tosfot* and *Ritva* explain that the *R' Yehuda* maintains that an area closed off by two walls is considered a private domain. In other words, in general *R' Yehuda* does maintain that the public passage invalidates the partition. However, in the second case, since the region on a biblical level is already defined as a private domain, *R' Yehuda* rules one can be more lenient.

The *Tosfot* offer a second explanation, where one could understand that the *Gemarah* assumed that an area closed off by two walls is not considered a private domain. Nevertheless the presence of the two genuine walls provides an advantage. How does one understand this position? *R' Yehonatan* explains that *R' Yehuda* only holds that the public passage invalidates partitions when it is a majority open area. In the second case however, where there are two standing walls, "the public don't have the power to nullify the partition." This response is quite different. Previous explanations involved differentiating between the different types of partition. In this explanation it appears that *R' Yehuda* maintains that both the *lechi* and *diyumdin* are considered quasi-partitions. Yet in the second case, where the public passage is restricted by the two real walls, the power of the public pathway to invalidate partitions is diminished.

The conclusion from the above discussion proves fundamental in our functional understanding of both *diyumdin* and *lechi* and the effect of the public pathway on these partitions.

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**Revision Questions**

עירובין ב' א'-ג': ח'

- Describe the type of partition that was specifically permitted to be used by water-holes – include both opinions. (ב' א')
- What are the dimensions (height, width and thickness) of the planks of wood used for this partition? (ב' א')
- How close can this partition be placed to the water-hole? (ב' ב')
- R' Yehuda explains that the maximum area that can be encompassed by this special partition is *beit sata'im*. The *Chachamim*, who disagree, argue that this restriction only applies to which areas? (ב' ג')
- Who holds that if a public thoroughfare passes through this special partition, that it disqualifies it? (ב' ד')
- List the two opinions regarding which water-hole and its location suitable for this special partition. (ב' ד')
- What is the length of a square shaped property that is considered *beit sata'im*? (ב' ה')
- What is a *karpaf*? List the three opinions regarding what a (small) *karpaf* must contain in order that the partition enables one to carry within it. (ב' ה')
- R' El'ay said in the name of whom that even if a walled *karpaf* is the size of a *beit kur* one can carry in side it? (ב' ו')
- What are the two items with which one cannot make an *eiruv chatzeirot*? (ב' ז')
- Which two other laws are mention in connection to these two items? (ב' ז')
- Can a *nazir* make an *eiruv* with wine or an *Israel* with *trumah*? (ב' ז')
- Can one make an *eiruv* with: (ב' ז')
  - *Demai*?
  - *Ma'aser sheni*?
- In what situation could one make a minor his *shaliach* to place an *eiruv techumim*? (ב' ז')
- Where in a tree is one allowed to place his *eiruv techumim*? (ב' ז')
- How deep into a pit can one place his *eiruv techumim*? (ב' ז')
- Explain the debate regarding one who locked their *eiruv* in a cupboard and lost the key, whether it is a valid *eiruv*. (ב' ז')
- Is the *eiruv techumim* valid if it rolled out of the city's *techum* on *erev Shabbat*? (ב' ז')
- What is the law if one lost his *eiruv* but is unclear when it was lost – include both opinions? (ב' ז')
- Can one place two *eiruvim* on a particular condition such that only one will be valid? (ב' ז')
- Explain the debate regarding placing two *eiruvim* for *Yom Tov* and *Shabbat* that immediately follows it. (ב' ז')
- Describe the *Chachamim*'s solution to the previous question. (ב' ז')
- Is there a similar debate by the two days of *Rosh Hashanah*? (ב' ז')
- What are two cases debated regarding the two days of *Rosh Hashanah*? (ב' ז')

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
20 <sup>th</sup> November י"ח חשוון	21 <sup>st</sup> November י"ט חשוון	22 <sup>nd</sup> November כ' חשוון	23 <sup>rd</sup> November כ"א חשוון	24 <sup>th</sup> November כ"ב חשוון	25 <sup>th</sup> November כ"ג חשוון	26 <sup>th</sup> November כ"ד חשוון
Eiruvim 3:9-4:1	Eiruvim 4:2-3	Eiruvim 4:4-5	Eiruvim 4:6-7	Eiruvim 4:8-9	Eiruvim 4:10-11	Eiruvim 5:1-2

