



Diyumdin and Karpaf

The second *perek* contains interesting cases of *mechitzot* – partitions. The first case is that of the *pasei bira'ot*. Public wells were usually located in the public domain and at least ten *tefachim* deep and four wide. These wells thereby constituted a private domain (*reshut ha'yachid*). Consequently one would not be able to transfer from the well on *Shabbat* without partitioning of the area around the well. This fact made it particularly difficult for the people travelling to *Yerushalaim* for the three festivals who needed to access to water when stopping for *Shabbat*. The *Chachachim* therefore allowed for a minimal construction for a partition known as *diyumdin*. It was enough to erect two upright boards (each ten *tefachim* high and six *tefachim* wide) at right angles to one another on each of the corners (forming the corners of a square) for the area to be considered a *reshut ha'yachid*. We need to understand this leniency and how the *pasim* can be considered a full partition.

The *Gemara* (*Eiruvim* 20a) asserts that the construction of the *diyumdin* must make the enclosed area a *reshut ha'yachid* on a biblical level. No matter how lenient the *Chachamim* wish to be they cannot permit something that will lead to a biblical transgression. That being the case, it raises a number of questions. The *Gemara* (15b) writes: “*Rav Huna* the son of *Rav Yehoshua* says... this is what the Merciful One taught *Moshe* ‘Fence in most of it.’” It seems to suggest that the requirement that a majority of the surrounding partitioning must be solid and only a minority of gaps was a *halacha le'moshe mi'sinai* (see *Rashi* there). That being the case, our case of *diyumdin* is one where the gaps are in the majority and the partition should be invalid.

The *Rashba* provides two solutions. The first is that really the requirement of a majority being solid is a rabbinic decree and on a biblical level there is nothing wrong with having many gaps. Accordingly, the above *Gemara* is to be understood as *Hashem* informing *Moshe* of the future rabbinic decree. Consequently in the case of the *Diyumdin*, the *Chachamim* were simply being lenient in their own decree of requirement a majority of a solid wall.

The second answer brought is that of the *Tosfot*. They explain that a majority of space does not always invalidate

a partition, with our case being an exception. Since there are four walls and there are walls on each of the corners, the majority space in between does not invalidate the partition. The *Tosfot* add that the space in between is simply considered an entrance (*petach*). According to this understanding we can understand that ordinarily the *Chachachim* stretched the biblical requirement of a majority solid wall even to designs such as this one, but relaxed it for the *olei regalim*.

In short the first answer is that the requirement of a majority solid wall does indeed cover our case however the requirement itself is rabbinic, while the second answer limits the scope of the requirement making *diyumdin* an exception to the rule.

The other case raised in this *perek* is that of the *karpaf*. This refers to an area that was not enclosed for residential purposes. The *Chachamim* ruled that it could only be treated like a *reshut ha'yachid* if its enclosed space is less than two *beit seah*. While the topic of *karpaf* requires its own article, we focus only on the question raised in the *Mishnah*: do *diyumdin* have the same space limitations as the *karpaf*? *R' Yehuda* rules it does, while the *Chachamim* rule it does not. How do we understand the position of the *Chachamim*? The *diyumdin* enclose an area like other *mechitzot* so why are they not limited by the laws of *karpaf*?

Tosfot (18a), citing *Rashi*, explain that since they enclose the well that is used for drinking, it is considered enclosed for dwelling purposes and not considered a *karpaf*. The *R' Yehonatan* explains differently. He explains that the *karpaf* is an area whose *machitzot* were formed on their own and thereby not for dwelling purpose. Consequently, since the *diyumdin* were man made, the laws of *karpaf* do not apply.

We find that these two answers follow a similar pattern to the ones above. The first answer is that indeed the question of *karpaf* applies to all *mechitzot* including *diyumdin*, it is just that *diyumdin* is considered enclosed for dwelling purposes. The second answer limits the scope of *karpaf* (to *mechitzot* formed on their own), thereby excluding the case of *diyumdin*.

Yisrael Yitzchak Bankier

Revision Questions

עירובין א' ה' – ג' ב'

- Can one use a pipe for a *korah*? Explain. (א' ה')
- What are the minimal dimensions of a *lechi*? (א' ה')
- Explain the debate regarding whether one can use an animal as a *lechi*. (א' ה')
- What other two debates are listed in the same *Mishnah* regarding the status of animals? (א' ה')
- What are the two criteria listed in the *Mishnah* regarding an ad-hoc fence constructed by travellers enabling the fenced area to be considered a private domain? (א' ה')
- What is the maximum size of a breach in a fence that does not render the entire partition invalid? (א' ה')
- How can one construct a valid partition using rope strung in a horizontal manner? (א' ט')
- How can one construct a valid partition using reeds placed in a vertical manner? (א' ט')
- What restriction does R' *Yehuda* place on the solution to the previous question? (א' י')
- Which *Tana* does not agree with the reed or rope solutions? (א' י')
- Which four things were permitted to an army camp? (א' י')
- Describe the type of partition that was specifically permitted to be used by water-holes – include both opinions. (א' ב')
- What are the dimensions (height, width and thickness) of the planks of wood used for this partition? (א' ב')
- 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 inside it? (ב' ו')
- What are the two items with which one cannot make an *eiruv chatzeirot*? (א' ג')
- Which two other laws are mentioned in connection to these two items? (א' ג')
- Can a *nazir* make an *eiruv* with wine or an *yisrael* with *trumah*? (א' ג')
- Can one make an *eiruv* with: (ב' ג')
 - *Demai*?
 - *Ma'aser sheni*?
- In what situation could one make a minor his *shaliach* to place an *eiruv techumim*? (ג' ב')

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Eruvin 3:3-4	Eruvin 3:5-6	Eruvin 3:7-8	Eruvin 3:9-4:1	Eruvin 4:2-3	Eruvin 4:4-5	Eruvin 4:7-8

