

12 Nissan 5773
March 23, 2013



Eiruvin Daf 15

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"n

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Unplanned Lechi

The *Gemora* cites a dispute about a *lechi* – pole which wasn't specifically placed for the purpose of carrying in the *mavoi*. Abaye says it is nonetheless a valid *lechi*, while Rava says it is not.

The *Gemora* clarifies that the dispute is only when people relied on it as a *lechi* before *Shabbos*, as in this case Abaye says that their relying on it makes it valid, but otherwise all agree that it isn't valid.

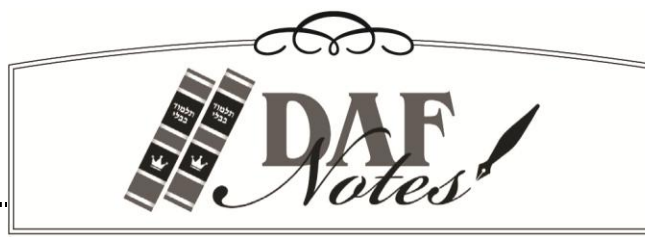
The *Gemora* initially thought that this dispute applied equally to a barrier which wasn't placed to act as a wall.

The *Gemora* therefore tries to resolve this dispute with cases of such barriers:

1. The *Mishna* says that if one made a *sukkah* using trees as walls, it is valid. This indicates that a tree, which was not placed to be used as a wall, is still a valid wall, supporting Abaye. The *Gemora* deflects this, saying that the case is where one planted the trees to use them as walls. The *Gemora* says this would then be obvious, but the *Gemora* explains that the *Mishna* is teaching that one may even sit in it on Yom Tov, and we are not concerned that one may pull off a branch.
2. The *Mishna* says that if a water pit was surrounded by a tree, fence, or a barrier made of reeds stuck in the ground, these structures are valid as the corner barriers necessary for the pit. This again indicates that a tree, which was not

placed as a wall, is valid. The *Gemora* deflects this again by saying that the case is where he planted the tree as a barrier. The *Gemora* says this would then be obvious, but the *Gemora* explains that the *Mishna* is teaching that reeds stuck in the ground are sufficient, as long as they are less than 3 *tefachim* apart.

3. The *Mishna* says that if a tree's branches create a canopy which reaches within 3 *tefachim* of the ground, one may carry within the enclosure it creates, although the tree was not planted for its branches to be a wall. The *Gemora* deflects this by saying that the case is where one did plant the tree for its branches to be a wall. The *Gemora* challenges this, as one should then be allowed to carry in this area, no matter how large it is, but the *Mishna* proceeds to say that one may only carry in this area if it is *bais sa'asa'im* – the area to plant 2 *seah*, the maximum size for an area not enclosed for habitation. The *Gemora* answers that this area is mainly for the purpose of the space around it, i.e., as shelter for those who are guarding the larger field, and therefore it is not considered enclosed for habitation.
4. The *braisa* says that if one began *Shabbos* on a mound 10 *tefachim* high, in a crater 10 *tefachim* deep, or in a grain field surrounded by stalks 10 *tefachim* high, these areas are considered his domicile, and he may therefore walk another 2000 *amos* outside of them on *Shabbos*. This implies that these natural barriers are valid barriers. The *Gemora* says that although we can



say that the case of the grain field is one where he created the barrier, a crater and mound are natural structures, which couldn't have been placed as a barrier.

Because of the last case, the *Gemora* revises its understanding, saying that all agree that a barrier is valid even if not placed as such, but their dispute is only about a *lechi*. Abaye says a *lechi* acts as a barrier, and it therefore also is valid no matter how it was placed, while Rava says that it acts as a reminder to people of the boundary of the *mavoi*, and therefore must be explicitly placed there for that purpose.

The *Gemora* attempts to resolve the dispute about *lechi* from the following cases:

1. The *braisa* says that if stones jut out of the fence (at the entrance of the *mavoi*) can serve as a *lechi* as long as there isn't 3 *tefachim* between each protrusion. The *Gemora* assumes that these stones were just part of the structure, and yet they can serve as a *lechi*, supporting Abaye. The *Gemora* deflects this by saying that the case is where it was built this way in order to serve as a *lechi*. We may have thought that it still isn't valid, since people may assume that the stones are there to support a future wall, and not as a *lechi*. The *braisa* therefore teaches us that they are a valid *lechi*.
2. Rabbi Chiya taught in a *braisa* that if one wall of the *mavoi* is uneven at the entrance, whether this is visible only inside or only outside, it can be used as a *lechi*. The *Gemora* assumes that this construction wasn't done to be a *lechi*, and yet it is valid, supporting Abaye. The *Gemora* deflects this by saying that the case is where it was done to serve as a *lechi*, and Rabbi Chiya is teaching that a *lechi* is valid, even if it can only be seen from the outside.

3. Rav was sitting in a *mavoi*, and Rav Huna was sitting in front of him. Rav told his helper to fetch a pail of water, but by the time he returned, the *lechi* had fallen down, and Rav motioned for him to stop carrying it. Rav Huna asked why we can't rely on palm tree at the entrance of the *mavoi* which can act as a *lechi*. Rav responded that it sounded like no one ever properly explained this ruling to Rav Huna. Since they had a proper *lechi* at the start of *Shabbos*, they didn't plan to use the palm tree as a *lechi*, and it therefore may not be used as such. The *Gemora* infers that if they had planned to use it, it would be valid, proving Abaye's position.

The *Gemora* asks if we can make Rava consistent with Rav by saying that the dispute is only when one didn't plan to use it.

The *Gemora* rejects this, as Abaye and Rava disagreed for many years on the *lechi* status of a supporting beam of an office in the house of Bar Chavu, even though they planned to use it as a *lechi*. (15a)

What to Use as a Lechi

The *Mishna* says that a *lechi* can be made from anything, even something live, but Rabbi Meir says something live cannot be used. Anything used to cover a grave is impure, even if it is live, while Rabbi Meir says that something live isn't impure. One can write a *get* – divorce contract on anything, even live, while Rabbi Yossi Hagelili says that it may not be written on something live. (15a – 15b)

Live Creatures

The *Gemora* cites a *braisa* in which Rabbi Meir says that anything live cannot be used as a wall of a *sukkah*, as a *lechi*, as a wall around a water pit, nor as a cover of grave.



Rabbi Yossi Hagelili adds that it may not be used to write a *get* on. (15b)

What to Write a Get on

The *Gemora* cites a *braisa* in which Rabbi Yossi Hagelili explains his source for invalidating something live for a *get*. The verse says that the husband will write for his wife *sefer kerisus* – a *book of separation*. From the word *sefer* we would think that he must write it on the material used for writing a *sefer Torah*, i.e., parchment. The verse therefore prefaces this with the more general phrase *v'kasav la* – and he will write for her, including other materials as well. The word *sefer* therefore teaches us that the material must be like parchment, i.e., inanimate and not food. The Sages differ with this explanation, since the verse does *not* say *besefer* – in a book, but *sefer*, which means a document which tells a *sipur* – story of their separation. They therefore say that the verse which says *v'kasav lah* teaches that she may only be divorced in writing, since we may have thought that divorce can be done in the same methods as marriage, as they are mentioned in the same verse. Rabbi Yossi Hagelili says that we learn this from the phrase *sefer kerisus*, which teaches that only a *sefer* (written document) can separate them. The Sages say that this phrase teaches that the document must be a final separation, leaving no attachment to her husband.

The *Gemora* illustrates this requirement with a *braisa* which says that a divorce is valid if the husband makes it conditional on the wife not going to her father's house for 30 days, but not if the condition is that she never visit her father's house, as that is residual attachment the husband has to his wife. Rabbi Yossi Hagelili learns this from the fact that the verse uses the word *kerisus* and not *kares*, while the Sages say that difference is immaterial and therefore cannot teach us this requirement. (15b)

Enclosing a Valley for Carrying

The *Mishna* says that if a caravan camped in a valley and enclosed their camp with animal utensils, they may carry there, as long as the fence is 10 *tefachim* high, and any breaches aren't larger than the closed sections. If a breach is 10 *amos* or less, they may still carry, as it's considered a doorway, but if there is any larger breach, they may not carry.

Breaches and Enclosures

The *Gemora* cites a dispute whether an enclosure which has equal areas enclosed and open is permitted to carry in. Rav Pappa says that it is permitted, as Hashem mandated that a majority not be breached, while Rav Huna the son of Rav Yehoshua says it is prohibited, as Hashem mandated that a majority must be enclosed.

The *Gemora* attempts to prove Rav Pappa's position from the *Mishna* which says that the breaches may not be larger than the enclosed sections, implying that if they are equal, it is permitted.

The *Gemora* tries to deflect this by saying that the *Mishna* only means to imply that if the breaches are larger, then it is prohibited.

The *Gemora* challenges this answer, as the *Mishna* should then have required that the breaches not be equal to the enclosed sections.

The *Gemora* attempts to prove Rav Pappa's position from a *Mishna* which says that if one covers his *sukkah* with bed posts or spits (*which are invalid*), it is valid if there is space between each one equal to their size, implying that filling in the roof of the *sukkah* with an equal amount of valid and invalid covering is sufficient.



The *Gemora* deflects this by saying that the space mentioned in the *Mishna* is large enough for a spit or post to go in and out, which is larger than just the size of the spit or post.

The *Gemora* rejects this, as it is possible to measure the space exactly, as the *Mishna* seems to say, and we must therefore assume that the *Mishna* meant only such a space.

Rabbi Ami maintains that the *Mishna* does mean more than the size of the post or spit in between each one. Rava answers that one places the valid covering perpendicularly on top of the invalid one. It will therefore cover more space, as it must stick out beyond the invalid covering on either end.

The *Gemora* attempts to prove Rav Huna's position from a *braisa* which says that if a caravan camped in a valley and enclosed it with camels, its utensils, reeds, or stalks, they may carry, as long as there isn't between each portion of the wall space equal to that portion.

The *Gemora* deflects this by saying that the *braisa* means that there may not be space large enough to put the enclosing item in and out, which is a larger space than the item, but if it was an exactly equal space, it would be valid. (15b – 16a)

INSIGHTS TO THE DAF

Relying on a Lechi

If an alleyway happened to have a *lechi* present without having been placed there, Abaye says it is valid, while Rava says it is not. The *Gemora* explains that everyone agrees that if it was never previously used as a *lechi* (i.e. *the designated lechi fell down on Shabbos, and people want to rely on this in the place of the old lechi*), it is invalid. The argument is in a case where they now want

to designate it before *Shabbos* as a *lechi*. Rava says it is still invalid, as it was not made to be a *lechi*. (Rava would seemingly require that it be picked up and put back down again as a *lechi*.)

The Mishnah Berurah (363:39) explains that even if the people never explicitly stated that they want to rely on this *lechi*, they may do so. The only case where they must explicitly state that they are designating this as a *lechi* is in a case where they had already not carried one *Shabbos* despite the fact that the *lechi* had been there.

The Biur Halachah (ibid.) says that the Pri Megadim is unsure whether or not this is also true regarding a *tzuras hapesach*. Furthermore, the Biur Halachah points out that if the *lechi* was placed there to be a *lechi*, even if people had not been relying on it as a *lechi* it can still be relied upon without requiring new designation.

Using Electric and Phone Wires for an Eiruv

by: Meoros HaDaf HaYomi

As we discussed in previous issues, the wires erected to surround Jewish communities create halachic barriers known as a *tzuras hapesach*, which enclose the community and allow the *eiruv* to function. The Poskim question whether electric and telephone wires may also serve this function.

In our *Gemora* we find that a *lechi*, which permits carrying in an alleyway, need not be erected with the express intention of permitting carrying. Even if a post was not erected for this purpose, it can still function as a *lechi*, provided that it fulfills the necessary requirements of size and position. The same is true of a *tzuras hapesach*; the posts and crossbar that make up a *tzuras hapesach* need not be erected expressly for this purpose. The question remains, however, if a *lechi* or *tzuras hapesach* is kosher only if it was erected for no particular

reason, or even if it was erected for an altogether different reason than permitting carrying. The Chazon Ish rules that even if it was constructed for a different purpose, it can still function as a *tzuras hapesach*. Therefore, telephone wires may theoretically function as an *eiruv*, even though they were not erected for this purpose (111, s.k. 5).

Although many Poskim question this leniency, the common custom is to rely on the Chazon Ish (Nesivos *Shabbos* 19:28). The problem however remains that for a *tzuras hapesach* to be kosher, the wire must run directly over the posts. In the case of telephone poles, the wires generally run along their sides, not over their tops. To rectify this problem, it is necessary to build posts ten *tefachimim* (less than three feet) tall on the side of the telephone posts. The wires need not actually touch the posts, provided that they run directly over the posts. In this case, since at least part of the *tzuras hapesach* is built for the sake of the *eiruv*, all opinions agree that it is kosher.

Eiruv in Chernovitz: More than a hundred years ago, the Rav of Chernovitz, R' Binyamin Weiss wrote of how he made use of the technological wonder that had reached his city. When telephones first came to Chernovitz, anyone who wished to install one in his home, needed to have telephone poles and wires erected from the central switchboard to his home. In order to utilize these wires for the sake of the *eiruv*, R' Weiss ordered the telephone company to connect a line for him; not directly to his house, but from the central station, all the way around the city, and then to his home. The benefit of this was that he did not need to trouble himself to check the *eiruv* wires regularly. He simply lifted his phone and called the operator each erev *Shabbos*, thereby verifying that the lines were in order (Even Yakara I, 15). This arrangement was so successful, that the neighboring community of Levuv soon followed suit.

DAILY MASHAL

Divorce through Words, not through Money

The *Gemora* states that a woman can only be divorced through writing, not by the husband giving his wife money and stating that the money should effect the divorce. The Torah states in the *Tochachah*, the rebuke that Moshe delivered to the Jewish People, that the Jewish People will be sold to Egypt and there will be no willing buyers. Hashem is forewarning the Jewish People that he will return them 'to their roots,' i.e. Egypt, indicating that He wishes to divorce Himself from them, but there will be no one interested in purchasing the Jewish People. This is because a divorce cannot be effected through money. Only Hashem's word can distance us from Him, and even then the prophet declares that Hashem never delivered a bill of divorce to the Jewish People. This idea demonstrates the great love that Hashem has for His Chosen Nation.