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Eiruvin Daf 4

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Five-Tefach and Six-Tefach Amah

The *Gemora* asks on Abaye from a *braisa*: All *amah* units are measured using a six-*tefach amah*, provided that the measurements are not always the same. [*This means that sometimes a large tefach is used and sometimes a smaller tefach is used.*] Now, according to Rava, this is understandable (as Rava's version of Rav Nachman's statement was that all units of *amos* are measured using an *amah* of six *tefachim*, and the provision mentioned in the *braisa* is also understandable), since the measuring must be done in such a manner as to have the *amos* in the case of *kilayim* loose (*tefachim*), and the *amos* in the case of *sukkah* and *mavoi* compact (*tefachim*); but according to Abaye, doesn't this present a difficulty (for Abaye's version of Rav Nachman's statement was that *sukkah* and *mavoi* require the use of a five-*tefachim amah*)?

The *Gemora* answers: Abaye can answer you that the *amah* spoken of in the *braisa* is in respect of *kilayim*, which is measured using an *amah* the length of six *tefachim*.

The *Gemora* asks: But it was taught in the end of that *braisa*: Rabban Shimon Ben Gamliel said that all *amah* units mentioned by the *Chachamim* in regard to *kilayim* are measured with a six-*tefach amah*, provided that the *amos* used are not tight-*tefach amos* (but loose *tefach-amos*). Evidently, the *Tanna Kamma* was referring to all *amos* (including *sukkah* and *mavoi*)!?

The *Gemora* answers: Abaye can answer you: Is there not Rabban Shimon Ben Gamliel who holds like me? I uphold the same ruling as Rabban Shimon Ben Gamliel.

The *Gemora* notes: According to Abaye's view, the standard of the respective *amos* is undoubtedly a matter disputed amongst the *Tannaim*; must it, however, be said that according to Rava's view also, the standard of the *amah* is a matter disputed amongst the *Tannaim*?

The *Gemora* responds: Rava can tell you that it is this that Rabban Shimon Ben Gamliel desired to inform us: The *tefachim* of the *amah* applicable to *kilayim* must not be compact.

The *Gemora* asks: If that is the case, he should have said: The *tefachim* of the *amah* applicable to *kilayim* must not be compact; what did he mean to exclude by stating: of the standard of six (*tefachim*)? Did he not obviously mean to exclude the *amah* of the *sukkah* and the *amah* of the *mavoi*?

The *Gemora* concludes that Rabban Shimon Ben Gamliel does not necessarily come to exclude the measurements concerning *sukkah* and *mavoi* that in these instances we use the five-*tefach amah*. Rather, Rabban Shimon Ben Gamliel is coming to exclude the measurements of the *amah* units mentioned in relation to the base and the ledge of the *Mizbei'ach*, for it is written: *And these are the measures of the Altar by amos — an amah and a tefach (the small five-tefach amos), the base shall be an amah, and the width an amah, and its border to its edge*

all around shall be one span. The explanation of the verse is as follows: *the base shall be an amah* refers to the base of the Altar. *And the width an amah* refers to the indentation of the ledge. *And its border to its edge all around* refers to the horns. *And this shall be the top of the Altar* refers to the Golden Altar. [The Mizbei'ach, i.e. its base, its horns atop the Mizbei'ach, and the top of the Mizbe'iach are all measured with the five-tefach amah unit.] (3b - 4a)

The laws regarding measurements, barriers on the body and walls are all Halacha LeMoshe MiSinai.

Rabbi Chiya bar Ashi said in the name of Rav: The laws concerning *shiurin*, measurements, *chatzitzin*, barriers between the body and the *mikvah* waters, and *mechitzin*, walls, are all rulings that were transmitted orally from Hashem to Moshe at Sinai. These laws are not derived from the text of the Torah itself. Although the Torah lists the seven species and we derive from each specie laws concerning measurements, the verses themselves are merely an *asmachta*, rulings that the Chachamim supported with verses from the Torah. The actual rulings are Halacha LeMoshe MiSinai.

The Torah lists the seven species of Eretz Yisroel to derive the various measurements for Halachic purposes.

It is said: *Eretz chitah useorah vegefen useainah verimon Eretz zeis shemen udevash*, a land of wheat and barley and vines and figs and pomegranates, a land of oil [-producing] olives and [date] honey. We derive from this verse the following rulings regarding measurements: the word *wheat* teaches us that one who enters a house that was afflicted with *tzara'as* carrying his clothing on his shoulders and shoes and rings in his hands, both he and his belongings become *tamei* immediately. If he was wearing his clothing and had shoes on his feet and rings worn on his fingers, he becomes *tamei* immediately but his clothing shoes and rings only become *tamei* if he carries in the house the amount of *kedei achilas haperas*,

the amount of time it takes one to eat a half a loaf of bread. The bread must be wheat bread and not barley bread, and the bread must be eaten while he is reclining and together with a relish. [The reason for this is that wheat bread is eaten quicker than barley bread, and one eats quicker while reclining and while eating the bread with relish.]

Barley mentioned in the verse teaches that the bone of a human that is the size of a barley kernel generates *tumah* through touching or by being carried, but does not generate *tumah* by being under a tent. The corpse or even part of a corpse will generate *tumas ohel*, *tumah* under a roof.

The word vine mentioned in the verse teaches us that a *nazir* must drink a *revi'is*, a quarter *log* of wine, in order to incur the punishment of lashes for having violated his vow.

The word *figs* teaches us that one is liable for carrying on *Shabbos* if he carries from one domain to another the size of a dried fig.

The word *pomegranates* mentioned in the verse teaches us that since the householder does not throw out utensils so easily, the utensils are considered susceptible to *tumah* until it contracts a hole the size of a pomegranate. A craftsman sells his utensils, so for a craftsman, even a utensil with a small hole is considered unfit for use and is thus no longer susceptible to *tumah*.

The words *a land of oil producing olives* teaches us that *Eretz Yisroel* is a land whose majority of measurements is the size of olives. This ruling refers to the laws governing the consumption of *cheilev*¹, blood, *nosar*², *piggul*³,

¹ Forbidden fats

² Sacrificial meat that has been leftover beyond the time that the Torah designated for its consumption

³ a korban whose avodah was done with the intention that it would be eaten after its designated time



tamei, *neveilah*⁴, a *tamei* animal, the flesh of a dead person regarding *tumas ohef*⁵, and touching *neveilos*.

The words *date honey* teaches us that a large date is the minimum size that one is liable for eating on *Yom Kippur*. (4a – 4b)

The laws governing barriers on a body are biblically ordained.

The *Gemora* asks: Aren't the laws regarding interpositions Biblically ordained? For it is said: *and he shall bathe his entire body in water*. This teaches us that nothing can separate between the person's body and the water that he is immersing in. One must immerse in a *mikvah*, i.e. gathered waters, and the water must be at least three cubic *amos*, sufficient for one's whole body to enter the water at one time. This measurement is translated into a minimum of forty *se'ah*.

Hair is also considered a barrier regarding immersion in a *mikvah*.

The *Gemora* answers: The oral law was necessary regarding one's hair (*that the hair of a person can invalidate his immersion in a mikvah*), for Rabbah bar Rav Huna said: One hair that is knotted is considered a barrier between the person and the water. Three hairs are not considered a barrier, and two is uncertain whether they are considered a barrier or not.

The *Gemora* asks: Aren't the laws regarding hair (*that it is considered a barrier*) Biblically ordained? For it is said: *and he shall bathe his entire body*. The word *es*, the, includes something that is secondary to his skin, and that is one's hair.

The Chachamim made a decree that a barrier that covers most of the body even when one is not particular

about it, and a barrier that covers a small part of the body and one is particular about it are considered barriers with regard to immersion.

The *Gemora* answers: The statement that *chatzitzin* are *Halachah LeMoshe MiSinai* refers to the laws concerning a major part and minor part, and one who is particular and one who is not particular, as was taught by Rabbi Yitzchak, for Rabbi Yitzchak said: Biblically speaking, a barrier that covers most of one's body and the person is particular about is considered a *chatzitzah* and the immersion is invalid. If one is not particular about the barrier, then even if the barrier covers most of the body, it is not considered a *chatzitzah* from a Biblical standpoint. The Chachamim, however, decreed that if the barrier covers most of the body, even if one is not particular about the barrier, the immersion in the *mikvah* is invalid. This decree was enacted on account of a barrier that covers most of the body and one is particular about, which invalidates the immersion from a Biblical standpoint.

We do not enact a decree to safeguard another decree.

The Chachamim also decreed that a barrier that only covers a minor part of the body and one is particular about invalidates one's immersion in a *mikvah*. This was instituted on account of a barrier that covers most of the body and one is particular about, which Biblically invalidates one's immersion. The Chachamim did not decree further that a barrier that covers only a minor part of the body and one is not particular about invalidates one's immersion. This decree would have been instituted on account of a barrier that covers only a minor part of the body but one is particular about and does invalidate the immersion, or on account of a barrier that covers a major part of the body and one is not particular about but invalidates the immersion. The reason the Chachamim did not institute such a decree is because the laws that state that a barrier that covers only a minor part of the body but one is particular about invalidates

⁴ Carcass of an animal that was not slaughtered properly

⁵ If the *tumah* source and a person or object is under the same roof



the immersion, and that a barrier that covers a major part of the body and one is not particular about invalidates the immersion, are themselves Rabbinical decrees. They are merely safeguards, and we do not enact a decree to safeguard another decree. (4b)

The Aron was nine tefachim and the kapores was one tefach.

Having stated that *mechitzos*, the laws related to walls are *Halachah LeMoshe MiSinai*, the *Gemora* asks from that which a master stated regarding the *Aron*, the Holy Ark in the *Mishkan*, which itself was one and a half *amos* high, i.e. nine *tefachim* high, and the *kapores*, the lid that covered the *Aron* was one *tefach*, a total of ten *tefachim*. [The *Gemora* in *Sukkah* learns as follows: we know that the Divine Presence never descended below a space of ten *tefachim*, but yet we find that Hashem spoke to Moshe from on top of the *kapores*. We must say that the *kapores* was that was ten *tefachim* above the ground constituted a separate domain from the ground. This proves that an exclusive domain is ten *tefachim*, and the minimum height of a wall is ten *tefachim*, as a wall functions as a separation of different domains.]

There is a dispute between Rabbi Yehudah and Rabbi Meir whether the *amah* unit used to measure the vessels in the *Mishkan* was a five-*tefach amah* or a six-*amah tefach*.

The *Gemora* answers that the statement that *mechitzos* are *Halachah LeMoshe MiSinai* follows the opinion of Rabbi Yehudah who maintains that the *amah* unit used for ensuring in the *Mishkan* was an *amah* of six *tefachim*, and the *amah*-unit measurement for the vessels from the *Mishkan* was an *amah* of five *tefachim*. According to Rabbi Yehudah, the *Aron* was only seven and a half *tefachim* high, and together with the *kapores* was only eight and a half *tefachim* high. Rabbi Meir, however, maintains that all *amah*-units used for measuring in the *Mishkan* were with an *amah* of six *tefachim*.

The *Halachah LeMoshe MiSinai* taught regarding walls was said concerning extending a wall up or down, *lavud*, and the law of *dofan akumah*.

The *Gemora* asks: According to Rabbi Meir who maintains that all *amah*-units used for measuring in the *Mishkan* were with an *amah* of six *tefachim*, and then the *Aron* was ten *tefachim*, so how can we say that *mechitzos*, walls, are *Halachah LeMoshe MiSinai*, if we see that the source for a wall being *tefachim* has its source in the Torah?

The *Gemora* answers that that according to Rabbi Meir, the *Halachah LeMoshe MiSinai* will teach us that the law of *gud*, that a wall can be extended up or down. [Gud achis means that a wall that does not reach the ground is considered as if it extends to the ground, and gud asik means that a wall that is ten *tefachim* high extends as high as is necessary in that situation.] The *Halachah LeMoshe MiSinai* also teaches us the law of *lavud* (that a space of less than three *tefachim* between walls is viewed as if the gap is closed). The *Halachah LeMoshe MiSinai* also teaches us the law of *dofen akumah* (that a *sukkah* that has invalid *s'chach*, if the space of invalid *s'chach* is within four *amos* of the wall, we view the wall as bending and being an extension of the wall). (4b)

INSIGHTS TO THE DAF

Halachah LeMoshe MiSinai

The *Gemora* states that *shiurin*, measurements, are considered *Halachah LeMoshe MiSinai*, laws given orally to Moshe at Sinai. How do we qualify a ruling as being *Halachah LeMoshe MiSinai*?

In many instances we find that the Chachamim derived a *halachah* or added on a law to something that is stated explicitly in the Torah, yet they are not considered Rabbinical ordinances. Rather, they are Biblical

fundamentals, and are not referred to as *Halachah LeMoshe MiSinai*. What is the demarcation between what we refer to as *deoraisa*, Biblical rulings, and *Halachah LeMoshe MiSinai*?

The Rambam, in his introduction to his Commentary on Mishnayos, cites numerous examples of matters that were given orally to Moshe at Sinai. For example, concerning which fruit the *esrog* is, the *Gemora* states that the *esrog* is a fruit that resides in a tree from one year to the next, the *esrog* grows on water, and its fruit and bark are similar in taste. Nonetheless, this is not referred to as *Halachah LeMoshe MiSinai*. The Rambam wonders why the *esrog* and its *halachic* ramifications do not fall under the category of *Halachah LeMoshe MiSinai* if the exact qualification of an *esrog* is not stated explicitly in the Torah, and is just known to us by tradition dating back to Moshe. The Rambam explains that any *halachah* or commentary that is alluded to in Scripture or that is derived from a logical methodology does not qualify as a ruling of *Halachah LeMoshe MiSinai*. A ruling that qualifies as being *Halachah LeMoshe MiSinai* is only said with regard to a law that has no basis in Scripture and also has no human rationale.

When the *Gemora* here stated that *shiurin* are *Halachah LeMoshe MiSinai*, the *Gemora* challenged this statement from the fact that the verse lists the seven species of fruits, and this implies that the measurements are Biblically instituted. The *Gemora* concludes that the verse does not refer to measurements, because there is no hint of measurements mentioned in the verse. The rulings regarding measurements are oral tradition, and the verses are *asmachta*, supports the Chachamim gave to the rulings.

Majority Rules

Rabbi Shlomo Kluger writes that there is a novel idea that can be derived from the *Halachah LeMoshe MiSinai* that teaches us Biblical measurements. If these measurements

would only be derived from a verse in the Torah, we would apply the principle of *rubo kikulo*, a majority of a matter is akin to the entire matter. The *Halachah LeMoshe MiSinai* therefore teaches us that one is required to immerse in a *mikvah* that contains forty *se'ah* and it would not be sufficient if there would be just thirty-nine *se'ah*. Furthermore, one will not fulfill his obligation of eating *matzah* by eating anything less than a *kezayis*, because the *Halachah LeMoshe MiSinai* teaches that one must eat the full the entire amount.

The *Chasam Sofer* disagrees and maintains that one cannot apply the principle of *rubo kikulo* in these instances, because a majority is sufficient as long as there is a complete matter. The *Chasam Sofer* cites a number of examples to prove this point. One example would be if the entire *Sanhedrin* convened, they can rule according to the majority opinion. It is obvious, however, that we do not convene a majority of the *Sanhedrin* and allow them to rule. Another example would be that if ten people convene to hear *borchu* and seven of them have not yet heard *borchu*, the group is deemed to have comprised a *minyan* quorum. Nonetheless, we cannot merely convene seven men and allow them to reckon themselves as a *minyan* quorum by applying the principle of a majority. Similarly, a *mikvah* is required to contain forty *se'ah* and then can we apply the principle of majority.

Eating on Yom Kippur

The *Gemora* states that the words *date honey* teaches us that a large date is the minimum size that one is liable for eating on *Yom Kippur*.

There is an interesting discussion regarding the definition of the prohibition to eat on *Yom Kippur*. The question raised is as follows: Is the prohibition defined as eating *per se*, and the minimum measure that was established was the equivalent of the size of a date because that is what alleviates the hunger, or perhaps the prohibition is

that one cannot alleviate his hunger, which is generally accomplished by eating a food that is the size of a date.

Although this may seem to be a question of semantics, this query actually has some serious *halachic* implications. Let us consider the following scenario: What would happen if one ate slightly less than the equivalent of a date right before Yom Kippur and he is still somewhat hungry. After Yom Kippur begins, he eats a little bit more and that eating combines with what he ate before Yom Kippur to alleviate his hunger. This person has alleviated his hunger on Yom Kippur, but he has done so without eating the entire forbidden measurement of food.

The *Ksav Sofer* writes that in such a situation, one has indeed transgressed Yom Kippur. It is clear that the *Ksav Sofer* maintains that the prohibition is that one cannot alleviate his hunger and the prohibition is not the eating *per se*.

In a similar vein, *Rabbi Chaim Ozer Grodzinsky*, in his *sefer Achiezer*, discusses intravenous feeding on Yom Kippur. If the prohibition is eating *per se*, then feeding intravenously would be permitted. If the prohibition is that one cannot alleviate his hunger, then feeding intravenously may be prohibited as well.

Toiveling with Dental Fillings

By: Meoros HaDaf HaYomi

One of the crucial prerequisites before immersing in a *mikvah*, is to clean the body from any substance that would separate between the water and the skin or hair. These substances are known as a *chatzitzah*. According to Torah law, a *chatzitzah* invalidates an immersion only if it fulfills two conditions: a. it covers the majority of the body (or according to some opinions the majority of the hair). b. it is a substance that people generally do not want to have affixed to their bodies. If one of these conditions are lacking, the immersion is invalid only

according to Rabbinic law. If both of these conditions are lacking, the immersion is valid.

Undesired substances: Why is it that only an undesired substance is considered a *chatzitzah*? Even desired substances, such as nail polish for example, separate between the body and the *mikvah* water? The Rishonim (Rashi Shabbos 57a, s.v. *Ha nami*; Sukka 6b) explain that anything one wishes to have attached to his body is considered an extension of himself. The nail polish is part of the finger, as it were, and does not separate between the skin and the water any more than the nail itself does. This reasoning can work to one's detriment as well. If one's body is entirely immersed, but an extension of his body remains above the water, the immersion is invalid. Here too, the extension is considered part of him.

Necessary but undesired *chatzitzos*: The Poskim question how exactly to define an undesirable *chatzitzah*. This question is of practical significance regarding a wide range of issues, including dental fillings. Although one need not open his mouth to allow the *mikvah* water to enter, there is still a prohibition of having a *chatzitzah* in his mouth. That is to say, the water need not actually meet the surface of the mouth, but it must be able to meet it, if one were to open his mouth (Nidda 66b). Dental fillings prevent the water from reaching the surface of the tooth below. On the one hand, metal fillings are unsightly, and one would prefer not to need them. In this respect, the fillings are undesired. On the other hand, once the cavities do exist, one realizes the necessity of fillings, and desires them to fulfill their purpose.

The Chochmas Adam (Binas Adam, Shaar Beis HaNashim: 12) rules that any attachment that one would prefer not to have, but resigns himself to its necessity, is considered a *chatzitzah*. Accordingly, dental fillings would invalidate an immersion in the *mikvah*.

Other Acharonim, however, argue with this ruling. They concede that a temporary attachment is not considered

an extension of the body, and therefore constitutes a *chatzitzah*. However, attachments such as permanent fillings serve the body and will remain attached to it indefinitely. They are therefore considered extensions of the body, and are not *chatzitzos* (see Avnei Nezer Y.D. 259; Teshuvos Tzemach Tzedek Y.D. 160; Teshuvos Maharsham I, 79; Shiurei Shevet HaLevi 198:24; Shiurei R' N. Karelitz, citing the Chazon Ish).

DAILY MASHAL

Fruits of Eretz Yisroel as Measurements

The *Gemora* states that various *halachos* regarding measurements are derived from the verse that states *a land of wheat and barley and vines and figs and pomegranates, a land of oil [producing] olives and [date] honey*. Rashi in Sukkah (5b) writes that the verse is praising the fruits of Eretz Yisroel that serve as measures for various laws of the Torah. *Reshash* here corroborates the words of Rashi.

Sfas Emes adds that a possible reason that the verse specifically praises the fruits of Eretz Yisroel is because they are easier to eat. There are other Achronim who rule similarly. *Shiurin shel Torah*, however, rules that we apply halachic measurements by using the fruits of each respective country. It is worth noting that the Tosefta in Yoma states explicitly that when measuring the size of a date in regard to the prohibition of eating on Yom Kippur, we estimate with the dates found in Eretz Yisroel.

Shemuas Chaim suggests that it is quite possible that regarding Yom Kippur, everyone is in agreement that we measure with the dates of Eretz Yisroel. The reason for this is that regarding Yom Kippur the deciding factor is whether one is satiated from what he has eaten and it would not be logical to presume that one's satiation is dependent on a respective location.