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Eiruvin Daf 16

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Daf Notes is currently being dedicated to the neshamah of

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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Three people are forbidden to carry in an area of five beis se'ah enclosed by mediocre partitions, and at times they are permitted to carry in an area of seven beis se'ah enclosed by mediocre partitions.

Three people cannot carry in an area that is five beis se'ah enclosed by mediocre partitions, and sometimes they will be permitted to carry in an area of seven beis se'ah enclosed by partitions. The meaning of this statement is that if three people required an area of six beis se'ah for their use and they enclosed an area of seven beis se'ah with mediocre partitions, they will still be permitted to carry even in the area seven beis se'ah. The reason for this permit is that the enclosed area does not exceed their needs by more than two beis se'ah. If the three people only needed an area of five beis se'ah and they enclosed an area of seven beis se'ah with mediocre partitions, then they cannot even carry in the area of five beis se'ah that is needed for their use. The reason for this prohibition is because the enclosed area exceeds their needs by two beis se'ah, and the partitions are invalid. The Baraisa that states that there cannot be an area of two beis se'ah empty does not refer to being empty of people, but empty of utensils. If the Baraisa meant empty of people, then three people would be allowed to carry in an enclosed area of up to eight beis se'ah, because two beis se'ah are allocated to each of the three individuals, and two more beis se'ah are allowed, thus allowing for carrying in up to eight beis se'ah. Now that we explain the Baraisa to refer to being empty from utensils, the permitted area is calculated according to the people's needs, not according to their numbers. (17a)

There is a dispute as to whether the onset of Shabbos is what validates or invalidates a partition, or if it is the number of residents that validates or invalidates the partition.

There is a dispute regarding a case where there were three people in an enclosure that was more than two beis se'ah at the onset of shabbos, and on shabbos one of the individuals died, deeming the enclosure invalid without the required three people who are required to validate an enclosure larger than two beis se'ah. Similarly, there is a dispute regarding a case where two people were in the enclosure that was more than two beis se'ah at the onset of Shabbos, and then more people joined on shabbos. Rav Huna maintains that the onset of shabbos is what determines the validity of a partition, so if there were three people inside the enclosure at the onset of shabbos, then even if one dies on shabbos, the remaining two can still carry on shabbos inside the enclosure. If there were only two people within the enclosure at the onset of shabbos, then they cannot carry on shabbos even if they were joined by a third person on shabbos. Rav Yitzchak, however, maintains that it is the number of occupants that determine whether the partition will be valid or not. If there are three occupants within the enclosure, then they can carry, and if there are less than three, then they are forbidden to carry. (17a -17a)

There is a dispute regarding a chatzer that was breached on two of its sides, a house that was breached on two of its sides, and a mavoi whose korah or lechi was removed on Shabbos.



There are three cases where Rabbi Yehudah and Rabbi Yose disagree. One case is when a chatzer that was breached on two of its sides on Shabbos, i.e. the walls separating the chatzer from the public domain were partially breached, and the chatzer no longer has a status of a private domain. The breaches are ten Amos or less and are located at the corner, thus they are not deemed to be entranceways. A second case is when a house was breached on two of its sides on shabbos and the breaches are ten Amos or less at the corners. The third case is when the korah or lechi of a mavoi was removed on shabbos. Rabbi Yehudah rules that in all three instances, carrying is permitted for the rest of the Shabbos, and forbidden for future Shabbosos until the situation is remedied. Rabbi Yose, however, maintains that if they are permitted for that shabbos, then they are permitted for future shabbosos. If they are forbidden for that shabbos, then they are forbidden for future Shabbosos also. (17a)

There is a dispute regarding an individual who made mediocre partitions in an inhabited area.

The Mishnah (16b) stated that Rabbi Yose the son of Rabbi Yehudah maintained that a partition must be comprised of both vertical and horizontal parts, whereas the Chachamim maintained that one only needs horizontal or vertical parts for a partition to be considered valid. The Gemara states that although the opinion of the Chachamim seems to be identical with the opinion of the Tanna Kamma in the Mishnah, there is a difference between the two opinions. The difference will be when an individual made mediocre partitions in an inhabited area. The Tanna Kamma permits mediocre partitions for an individual only when he is traveling, but not in an inhabited area. The Chachamim, however, permit an individual to make mediocre partitions even in an inhabited area. (17a)

An army camp is permitted to bring wood from anywhere, they are exempt from washing their hands before a meal, they are exempt from eating *Demai*, and they are exempt from the obligation of making an eruv.

The Chachamim allowed for certain leniencies in a Jewish army camp. They allowed for soldiers to bring wood from anywhere, without a concern of stealing. Soldiers are exempt from washing their hands before eating a meal; they are exempt from eating *Demai*, produce belonging to an ignorant Jew that may not be tithed properly. They also allowed for soldiers to be exempt from making an eruvei chatzeiros, an eruv that allows one to carry from one private domain to another. (17a)

Yehoshua enacted ten conditions upon the entry of the Jewish People into Eretz Yisroel.

Yehoshua the son of Nun enacted ten conditions upon the division of land to the Jewish People in Eretz Yisroel. One of these conditions is that one can allow his animals to graze in forests, even if an individual owns them, because people do not normally harvest these areas. Similarly, one was allowed to gather wood from the fields that are owned by others. A Baraisa ruled that soldiers could take dry wood. The Gemara explains that Yehoshua's condition was made with regard to low bushes that the owner does not care about. Our Baraisa refers to other wood that soldiers can take. Another difference is that Yehoshua's condition referred to wood that was attached to the ground, so the owner probably abandoned it, whereas the lenience for soldiers was said even with regard to detached pieces of wood. Another resolution is that Yehoshua's enactment concerned moist pieces of wood, which the owner would probably abandon, and the Baraisa refers to the soldiers being allowed to take even dry wood. (17a)

A soldier is buried in the place that he was killed.



The Baraisa ruled that a soldier is buried in the place where he was killed. There is a rule that a *Meis mitzvah*, an unattended corpse, acquires its location, ie. The corpse is buried wherever it is located, even on land owned by an individual. Nonetheless, the Baraisa teaches us that even if the soldier has heirs who can attend to his burial, the dead soldier still can be buried in the exact location of his death. (17a -17b)

One must wash his hands after the meal because of Sodomite salt that blinds the eyes.

The Mishnah stated that soldiers are exempt from washing their hands before eating a meal. The Gemara qualifies this statement to mean that the soldiers are only exempt from washing their hands before a meal, but washing their hands after the meal, known as *mayim Acharonim*, is obligatory. The person for this obligation is because there is Sodomite salt that blinds the eyes. The Chachamim instituted that one washes his hands after the meal and this will remove all the salt on one's fingers, and one who places his fingers in his eyes will not become blind. Abaye added that this harmful salt is only prevalent in the concentration of one grain in a kor (thirty se'ah, which equals 4320 eggs) of regular salt. Even if one handles salt without eating a meal must wash his hands. (17b)

One is liable biblically lashes for traveling beyond the two thousand amah limit without making an eruvei techumin.

The Mishnah stated that soldiers are exempt from making an eruv and the Gemara qualifies this to mean eruvei chatzeiros. Soldiers are obligated however, to make eruvei techumin, allowing them to travel beyond the two thousand-amah limit. One who travels beyond the two thousand limit on shabbos without making an eruvei techumin incurs lashes. One normally does not incur lashes for a prohibition that states *al*, which the Gemara qualifies as referring to a prohibition that one is

subject to the warning against incurring the death penalty. Nonetheless, regarding the prohibition of traveling beyond the techum, it does not state *al yotzi*, do not carry out. Rather, it states: *al yeiztei*, do not go out, so the verse is not a prohibition that one is subject to the warning against incurring the death penalty, and one will indeed incur lashes for transgressing the prohibition of traveling beyond the two-thousand amah limit. (17b)

There is a dispute regarding how many boards are required to permit one to draw water from a well on Shabbos.

Rabbi Yehudah maintains that to allow one to draw water from a well on Shabbos that is situated in a public domain, one may erect four double-posts, one at each corner of the enclosure. These posts, which are two single posts at right angles, have the appearance of being eight posts. Rabbi Meir, however, maintains that one must make eight posts that look like twelve posts. These are four double-posts and an additional four single posts. (17b)

INSIGHTS TO THE DAF

Mayim Acharonim

There is a famous argument regarding whether or not mayim acharonim, washing one's hands before bentsching, is still mandatory today. Tosfos (DH "Mayim") says that it is no longer customary to wash mayim acharonim as we do not have salt from Sedom. The Gemara here implies that the entire reason for the institution of mayim acharonim is to protect from Sedom salt. Tosfos additionally says that they used to dip their fingers in after they would eat, which we no longer do. For both of these reasons, Tosfos says, it is no longer customary. This is also stated by the Meiri here.

However, others such as the Ritva and Rosh say that this is not the only reason for mayim acharonim. Another reason given is in order to ensure that one's hands are clean before reciting bentching. Rabeinu Yonah in Berachos says that even our salt has properties similar to Sedom salt. The Rif in Chulin (37b in Rif pages) cites the Gemora in Yoma (83b) that says that lack of doing mayim acharonim caused someone to be killed, showing us that it should continue to be done anyway.

While the Shulchan Aruch (Orach Chaim 181:1) rules that mayim acharonim is obligatory, he does cite (181:3) that there are those who have the custom not to do mayim acharonim, as stated by Tosfos.

undisturbed. Perhaps there is another aspect to burying an unattended corpse at the site of his death. It is said: *v'chiper admaso amo*, and He will appease His Land and His people, and this can be interpreted to mean that the land itself atones for the person. Burial is a sign of respect for the dead body, and although one normally buries a corpse in a cemetery, Eretz Yisroel is unique that anywhere in the Land is considered a respectful location. This would explain why Yehoshua was the one who set this condition, because the condition was unique for Eretz Yisroel.

DAILY MASHAL

Meis Mitzvah

The Gemara states that if a person dies and has no one to bury him, then he is considered a *Meis mitzvah*, and he is buried on the land where he died, even if the land is privately owned. This is one of the ten conditions that Yehoshua made upon the division of Eretz Yisroel. Why did Yehoshua make such a condition? Would it not be more appropriate to bury a person in a regular cemetery? The Chazon Ish¹ writes that there was a concern that one who dies without relatives would be left to the devices of other people who would neglect the dead body on the road, thus leaving the corpse unprotected. Yehoshua therefore decreed that a person who dies and has no one to attend to his burial should be buried where the body was found. The Taza and Shach² write that nowadays in land outside of Eretz yisroel we must bury an unattended corpse in the cemetery, because even if the person was buried at the site of his death, we are not certain that the site will be

¹ Oholos 22:22

² Yoreh Deah 364:3