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Eiruv Daf 27

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

MISHNAH: We can use any type of food for *eiruvei techumin* (or *eiruvei chatzeiros*, according to Rashi) or *shitufei mevo’os*, besides water and salt. [**Eiruvei chatzeiros** - If several houses open into a courtyard, one is Rabbincally forbidden to carry from the house into the courtyard and vice versa, unless they make an *eiruv*. Bread, which is owned by all the residents, is placed in one of the houses. They are now regarded as if they have a common residence and the courtyard is their private domain. They are now allowed to carry from the merged houses into the courtyard and vice versa. The *halachah* is that bread must be used; our *Mishna*, according to Rashi, states that all food may be used. **Eiruvei techumin** - One places a certain amount of food in a place up to 2,000 amos away from his current location; he is then permitted to walk 2,000 amos beyond there because the location of his food is regarded as his residence. **Shitufei mevo’os** – This is a device that allows carrying between a courtyard and a *mavoi*; this is accomplished by the courtyards mutual contribution of food.]

And so also may all (kinds of foods) be purchased with money of *ma’aser sheini* except water and salt. [**Ma’aser sheini** is a tenth of one’s produce that he brings to *Yerushalayim* and eats there in the first, second, fourth and fifth years of the *Shemita* cycle; it can also be redeemed with money and the money is brought up to *Yerushalayim*, where he purchases food and eats it there.

If a man vows to abstain from sustenance, he is allowed to partake of water and salt.

An *eiruv* may be made for a *nazir*¹ with wine (for others can drink it) and for a *Yisroel* with *terumah*², but *Sumchos* ruled: only with unconsecrated produce.

An *eiruv* may be made for a *Kohen* in a *beis hapras*³, and Rabbi Yehudah ruled: even in a graveyard, because he can put up a partition (between himself and the graves, by riding into the cemetery in a box) and enter the area and eat his *eiruv*. (26b – 27a)

GEMARA: Rabbi Yochanan says: We cannot derive something is always true based on a stated rule, even if the stated rule gives exceptions (meaning that there could always be other exceptions as well).

The *Gemora* notes: Since he uses the expression: ‘even if the stated rule gives exceptions,’ it follows that he was not referring to our *Mishna* (when he said, ‘a stated rule,’ for our *Mishna* does say, ‘except’). Now, what did he refer to? He referred to the following: Any positive *mitzvah* that is time-bound, men are obligated, but women are exempt. However, any positive *mitzvah* that is not time-bound, men and women are obligated.

The *Gemora* asks: Is it a rule that women are always exempt from positive *mitzvos* that are time-bound? We

¹ one who vows to become a *nazir* must abstain from wine and contact with dead people in a way where one becomes impure

² the separation of a certain amount of produce which is then given to a *Kohen*

³ a field in which a grave had been plowed over; which we rule to be Rabbincally tamei



see that women are obligated in the *mitzvah* of eating *matzah* (on the first night of Pesach), rejoicing on Yom Tov, and *hakhel* (gathering in the Beis HaMikdash on Sukkos after every Shemittah), and these are all positive *mitzvos* that are time-bound!?

Additionally, is it in fact a rule that all positive *mitzvos* that are not time-bound, men and women are obligated? We see that women are exempt from learning Torah, procreation, and redeeming a first born child, though these are all *mitzvos* that are not time-bound!?

Rather, Rabbi Yochanan says: We cannot derive something is always true based on a stated rule, even if the stated rule gives exceptions (meaning that there could always be other exceptions as well).

Abaye, or some say Rabbi Yirmiyah, remarked: We also learned a *Mishna* to the same effect (like R' Yochanan): They, furthermore, laid down another general rule (regarding a *zav* - a man who has an emission similar but not identical to a seminal discharge; he is *tamei* and he transmits *tumah*): All that is borne above a *zav* is *tamei* (even though they did not come into contact with him), but all on which a *zav* is borne is *tahor*, except that which is suitable for lying, or sitting upon, and a human being (for he becomes *tamei* if he carries a *zav*). Now, are there no other exceptions? Is there not in fact that which is suitable for riding upon (which becomes *tamei* if it bears a *zav*)?

The *Gemora* counters: How are we to understand the case of that which is suitable for riding upon? If it is that on which the *zav* sits, then is it not exactly in the same category as a seat (which was already listed in the *Mishna*)?

The *Gemora* explains its proof: It is this that we mean: Is there not the upper part of a saddle (i.e., the *pommel*, which the rider uses as a handle, and he does not sit upon it), concerning which it was taught in a *braisa*: A saddle is susceptible to *tumah* as *moshav* (as a seat), and its

pommel is susceptible to *tumah* as *merkav* (riding upon). Consequently, it may be deduced that no inference may be drawn from general rulings even where an exception has been actually specified.

Ravina, or some say Rav Nachman, remarked: We also learned in our *Mishna* to the same effect: We can use any type of food for an *eiruv* or *shitufei mevo'os*, besides water and salt. Now, are there no other exceptions? Is there not in fact truffles and mushrooms (which cannot be used for an *eiruv*)? Consequently, it may be deduced that no inference may be drawn from general rulings even where an exception has been actually specified. (27a)

The *Mishna* had stated: And so also may all (kinds of foods) be purchased with money of *ma'aser sheini* except water and salt.

Rabbi Elozar and Rabbi Yosi bar Chanina disagree: One applied (the following limitation) to *eiruv* and the other applied it to *ma'aser sheini*.

The *Gemora* explains: One applied (the following qualification) to *eiruv*, as follows: The ruling that no *eiruv* may be made (from water and salt) was only taught in respect of water by itself or salt by itself; but from water and salt (that were mixed together), an *eiruv* may well be made (for salt water is regarded as food and a part of a meal). And the other applied it to *ma'aser sheini*, as follows: The ruling that no water or salt may be purchased (with money of *ma'aser sheini*) was only taught in respect of water by itself or salt by itself; but water and salt (that were mixed together) may well be purchased with money of *ma'aser sheini*.

The *Gemora* notes: He who applied it (the qualification) to *ma'aser sheini*, applies it with more reason to *eiruv* (for the restrictions on the kinds of food permitted are more stringent in respect of *ma'aser sheini*, which is a Biblical law, than in that of *eiruv*, which is merely Rabbinic). He, however, who applied it to *eiruv*, does not apply it to

ma'aser sheini. What is the reason? It is because a kind of fruit (or something similar) is required (to be purchased with the *ma'aser sheini* money).

When Rabbi Yitzchak came (from Bavel), he applied the qualification to *ma'aser sheini*.

An objection was raised from the following *braisa*: Rabbi Yehudah ben Gadish testified before Rabbi Eliezer: My father's household used to buy brine with money of *ma'aser sheini*, and when the other asked him: Is it not possible that you heard this in that case only where it was mixed up with innards of fish (from which it follows that Rabbi Eliezer does not permit the purchase of pure salt water with money of *ma'aser sheini*). And furthermore, even Rabbi Yehudah ben Gadish himself maintained his view only in the case of brine, since it contains some fat of "fruit" (for the juices of the fish were extracted by the salt and dissolved into the brine), but not water and salt (where no fruit at all is contained)!

Rav Yosef replied: That refers only to a case where oil (which is regarded as "fruit") was mixed with them (the salt water).

Abaye said to him: If so, derive the ruling (that it is permitted to use the money of *ma'aser sheini*) on account of the oil (itself)?

The *Gemora* answers: The ruling was necessary only in the case where one covered the cost of the water and the salt by paying an inclusive price (for the oil). [R' Yitzchak is teaching us that money of *ma'aser sheini* – although it may not be spent on water and salt, may well be spent on the purchase of them where they are mixed with oil and a higher and inclusive price is paid for the oil.]

The *Gemora* asks: But is this permissible by paying an inclusive price?

The *Gemora* answers: Yes; and so it was in fact taught in a *braisa*: Ben Bag Bag said: 'For cattle' teaches us that cattle may be purchased (with money of *ma'aser sheini*) together with its hides (although the hides are not food, they may be purchased together with the animal at an inclusive price, and it nevertheless remains unconsecrated; there is no need to sell the hides in order to buy food with its proceeds); 'and for sheep' teaches us that a sheep may be purchased (with money of *ma'aser sheini*) together with its wool (and the unconsecrated wool may be kept); 'and for new wine' teaches us that wine may be purchased (with money of *ma'aser sheini*) together with its barrel (and the unconsecrated empty barrel may be kept); 'and for old wine' teaches us that *temed*⁴ may be purchased (with money of *ma'aser sheini*) after its fermentation (although the water adds to its price).

Rabbi Yochanan said: Should any person explain to me (the necessity for the expression of) 'for cattle' in accordance with the view of Ben Bag Bag, I would carry his clothes after him into the bathhouse. What is the reason? It is because all (the other expressions) were required with the exception of 'for cattle,' which is quite unnecessary. What is the purpose for which the others were required? If the Torah had only written 'for cattle,' I might have thought that only cattle may be purchased together with its hides, because they (the hides) are part of its body, but a sheep - together with its wool, which is not part of its body, may not be purchased. And if the Torah had only written 'for sheep,' teaching us that a sheep may be purchased together with its wool, I might have thought that it is (only the sheep with the wool that is permitted) because it (the wool) is attached to its body, but wine together with its barrel (which are not connected to each other), may not be purchased. And if the Torah had only written 'for new wine,' I might have thought that it is (only the purchase of the wine and its barrel that is permitted) because it (the barrel) preserves the wine (and is therefore regarded as one), but *temed* after its fermentation, which is a mere

⁴ an alcoholic beverage made from the grape seeds soaked in water

liquid acid, may not be purchased. That is why the Torah wrote *'old wine.'*

And if the Torah had written 'for old wine, I might have been assumed that by 'old wine' [was meant the purchase of] the pressed fig cakes of Keilah which are a fruit, but not wine with its jar. And if the Torah had written 'wine' [to indicate that it may be purchased] together with its jar it might have been assumed [that the purchase of its jar only is permitted] since in this way only it can be preserved but not a sheep together with its wool; hence did the Torah write 'sheep' [to indicate] that [it may be bought] even together with its wool. What however, was the need for the expression of 'for oxen'? And should you reply that if the Torah had not written 'for oxen' it might have been assumed that a sheep may be bought together with its skin but not together with its wool [and that] the Torah has therefore written 'for oxen' to include its skin so that 'sheep' remained superfluous in order to include its wool [it could be retorted that even] if the Torah had not written 'oxen' no one would have suggested that a sheep may be bought only together with its skin but not together with its wool, for if that were so the Torah should have written 'oxen' so that 'sheep' would for this reason have remained superfluous; now, since the Torah did write 'sheep' [to indicate obviously] that [it may be purchased] even together with its wool [the question arises again:] What need was there for the expression of 'for oxen'? If [it may be argued] a sheep may be bought together with its wool was there any need [to state that] an ox may be bought together with its skin?⁵ It is this [line of reasoning that was followed] when Rabbi Yochanan said, 'Should any person explain to me [the necessity for the expression of] 'for oxen' in accordance with the view of Ben Bag bag I would carry his clothes after him into the bath house'.

On what principle do Rabbi Yehudah ben Gadish and Rabbi Eliezer⁶ and the following Tannaim⁷ differ? — Rabbi

⁵ Which is a vital part of its body.

⁶ Who agree that fish may be bought but are at variance on the question whether the purchase of brine is also permitted.

Yehudah ben Gadish and Rabbi Eliezer base their expositions on [the rules of] amplification, and limitation while those Tannaim base their expositions on [the rules of] general statements and specific details. 'Rabbi Yehudah ben Gadish and Rabbi Eliezer base their expositions on [the rules of] amplification and limitation' [thus:] 'And you shall bestow the money for whatever your soul desires' is an amplification, 'for oxen, or for sheep, or for wine, or for old wine,' is a limitation, 'or for whatever your soul asks of you' is again an amplification. [Now since the Torah] has amplified, limited and amplified again it has [thereby] included all. What has it included? It included all things. And what has it excluded? According to Rabbi Eliezer it excluded brine; according to Rabbi Yehudah ben Gadish it excluded water and salt. 'While those Tannaim base their expositions [on the rules of] general statements and specific details' for it was taught: 'And you, shall bestow the money for whatever your soul desires' is a general statement, 'for oxen, or for sheep, or for wine, or for old wine' is a specification, 'or for whatever your soul asks of you' is again a general statement. [Now where] a general statement, a specification and a general statement [follow each other in succession] you may include only such things as are similar to those in the specification; as the specification explicitly mentions [things that are] the produce of produce⁸ that derive their nourishment from the earth so [you may include] all [other things that are] the produce of produce that derive their nourishment from] the earth.

Another [Baraisa], however, taught: As the specification mentions explicitly [things that are] produce of the products of the earth so [you may include] all produce that was of the products of the earth. What is the practical difference between these? — Abaye replied: The practical difference between them is [the question of including] fish. According to the one who holds [that the things included must be] 'the produce of produce that derive

⁷ Who forbid the purchase of fish and much more so that of brine.

⁸ An animal is born from an animal and grapes are produced from the seed of the grape.



their nourishment from] the earth' fish [also may be included since] they derive their nourishment from the earth. According to the one, however, who maintains [that the things included must be] 'produce of the produce of the earth' fish [are excluded since they] were created from the water.

The Gemara asks: But could Abaye maintain that fish derive their nourishment from] the earth seeing that he ruled: 'If a man ate a putisa he [technically] incurs lashes on four counts;⁹ if an ant, on five counts;¹⁰ if a hornet, on six counts.¹¹ Now if that statement is accurate¹² [shouldn't one eating] a putisa also incur lashes on account of [the prohibition against] a creeping thing that creeps upon the earth? — Rather, replied Ravina, the practical difference between them is [the question of including] birds. According to the one who holds [that the things included¹³ must be] 'the produce of produce that derive their nourishment from the earth' [birds are included since] they also derive their nourishment from the earth. According to the one, however, who maintains [that the things included must be] 'produce of the produce of the earth' birds [are excluded since they] were created from the shoals.

On what ground does the one include birds and on what ground does the other exclude them? — He who includes birds' is of the opinion that the second generalization is for principal [consideration]; hence [the proposition] is in [the form of] 'a specification and a generalization' [in which case] the generalization is regarded as an addition to the specification so that all things are thereby included, while the first generalization has the effect of excluding all things that are not similar to it in two respects. He, however, who excludes birds is of the opinion that a first generalization is for principal [consideration] hence [the proposition] is in

⁹ It is (i) a water insect, (ii) without fins and scales, (iii) do not make yourself abominable through creeping things and (iv) do not contaminate yourself.

¹⁰ It (i) creeps upon the earth, (ii) has many feet (ibid. 42), (iii) is a creeping thing and (iv and v) was twice forbidden as food.

the form of 'a generalization and a specification' [in which case] the generalization does not cover more than what was enumerated in the specification. Consequently it is only these that are included but no other things, while the second generalization has the effect of including all things that are similar to it in three respects. (27a – 28a)

DAILY MASHAL

A Fence Around the Torah – The Key to Yiras Shomayim

"*Asu syag laTorah* – make a fence as a safeguard around the Torah laws" is the instruction given to us by the *Anshei Keneset Hagedolah* (Avos 1:1). Chazal (*Yevamos* 21a) derive this obligation to protect the *mitzvos* by enacting rabbinic decrees from the last *passuk* in *Parshas Achrei Mos* (*Vayikra* 18:30), "*ushmartem es mishmarti*". While *gezeiros d'rabanan* are found in all areas of *halacha*, a unique status was assigned to the safeguards protecting prohibitions of *gilui arayos* (prohibited relationships). We are taught (*Avos D'rabbi Nosson* 2:1) that the Torah itself enacted safeguards to protect us from violating the prohibitions of *arayos*. All physical contact is prohibited by the Torah itself. These prohibitions are to be a fence to protect us from committing actual *gilui arayos*.

Chazal extol the value of *sayagim* around *mitzvos*. Shlomo *Hamelech* is praised by Hashem for instituting *gezeiros* in the realm of carrying on Shabbos. Chazal (*Eruvin* 21b) consider this to be one of the greatest achievements of Shlomo *Hamelech*. Why are *gezeiros drabanan* so critical? Why is Shlomo *Hamelech* praised so lavishly for this *gezeira* that it even overshadows his other accomplishments, such as building the *beis hamikdash*? The Ramban (*Shemos* 20:8) comments that all the negative commandments of the Torah are rooted in *yiras Hashem*.

¹¹ In addition to the above, there is the prohibition against 'all winged swarming things.'

¹² That, according to Abaye, fish and so also all water creatures derive their nourishment from the earth.

¹³ Among the things that may be bought with the money of *maaser sheini*.



In contrast to the positive commandments which serve to express our *ahavas* Hashem, one expresses one's fear and awe of Hashem by refraining from what He prohibits.

In the realm of positive *mitzvos* one can express one's *ahavas* Hashem to different degrees. One who merely fulfills *mitzvos* in the basic form without embellishing on the beauty of their performance has only attained a certain level of *ahavas* Hashem. Performance of a *mitzvah* in the most beautiful way possible clearly demonstrates, and serves as a tool to enable us to grow in, our *ahavas* Hashem. In the realm of *mitzvas lo taase* it is more difficult to differentiate between different levels of *yiras* Hashem. Isn't *yiras* Hashem exhausted by simply refraining from *issurim*? Where is there room for growth in abstaining from *aveiros*? Perhaps the key to growth in *yiras* Hashem can be found in the requirement of "*asu syag laTorah*". A person who not only refrains from prohibitions, but also creates safeguards that **distance** him from violating the word of Hashem demonstrates his appreciation for *yiras* Hashem. One who does not have such safeguards, even if he technically does not violate any prohibition, clearly is lacking in *yiras* Hashem.

There are two distinct aspects of *yiras* Hashem. The elementary level is *yiras haonesh* – fear of punishment. The Rambam in *Hilchos Teshuva* emphasizes that everyone must begin with this basic level of fear. Hopefully, one's *yiras* Hashem will mature and reach the level of *yiras haromemus* – awe for the majesty of Hashem. We allude to these two levels of *yiras* Hashem in the *tefillah* for *mevarchim hachodesh*. We ask Hashem for many things during this *tefillah*. The only request that we repeat is our desire for a life full of *yiras* Hashem. Why do we repeat? Apparently we are asking for two distinct types of *yiras* Hashem. First we request *yiras shomayim v'yiras cheit*. *Yiras cheit* is the basic fear that *cheit* carries with it a punishment. When we beseech Hashem for *yiras shomayim v'yiras cheit* we are requesting that we refrain from *cheit* because of *yiras haonesh*. We then progress to

requesting *ahavas Torah v'yiras shomayim*. This is a very different type of *yiras shomayim*. This is a *yirah* that stems from an appreciation of the greatness of Hashem. Just as *ahavas Torah* emanates from an appreciation of the beauty of Torah, so too this *yiras shomayim* of *yiras haromemus* comes from a realization of the absolute awesome power of Hashem. *Asu syag laTorah* is the mechanism to demonstrate our *yiras* Hashem. It serves to indicate both *yiras haonesh* as well as *yiras haromemus*. One who truly views *cheit* as a spiritual poison and understands the severity of *onesh* involved with violating the word of Hashem will not suffice to passively abstain from *aveiros*. He will actively search for ways to guard himself from coming anywhere near *cheit*. Just as one who has poison in his house will not leave it out in a way that it may inadvertently be eaten, one who views *cheit* as spiritual poison will make every effort to protect himself from any association with it.

Yiras haromemus is the corollary of *shivisi Hashem l'negdi tamid*. One who truly believes he is constantly in the presence of Hashem will be filled with the awe that is natural to be felt being in His presence. One who is in the king's palace is on his best behavior and scrutinizes his every action and word, lest he offend the king. If we are truly in the presence of *Melech Malchei Hamelachim*, how much more so are we obligated to guard ourselves not to violate the word of The King. We have to take extra precautions not to even come close to violating an actual *mitzvah*. Shlomo *Hamelech* accomplished many great things during his lifetime. Part of his legacy to us is *Asu syag laTorah*. He taught us how to grow in our *yiras haonesh* and our *yiras haromemus*. It is through our dedication to *gezeiros drabanan* that we demonstrate to Hashem our desire for *yiras shomayim*. May we merit that Hashem grants all of us *chayim sheyesh bohem yiras shomayim v'yiras cheit, chayim sheyesh bohem ahavas Torah v'yiras shomayim*.

http://www.torahweb.org/torah/2006/parsha/rsob_acharei.html