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Eiruv Daf 27

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Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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

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 Rabbically 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 Shemithah 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*.

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 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

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 Rabbically tamei



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.

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

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