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Daf Notes is currently being dedicated to the neshamot of

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Mav the studing of the Daf Notes be a zechus for their neshamot and mav their souls find peace in Gan Eden and be bound up in the Bond of life

Both Rabbah and Rav Yosef explained: We are dealing here with a wooden cupboard, one Master¹ being of the opinion that it [has the status of] a vessel to which the prohibition of building or demolition does not apply,² while the other Master³ is of the opinion that it [has the status of] a tent.⁴

And do they then differ on the same principle as the following Tannaim? For we learned: [If a zav] beat [his fist]⁵ upon a carriage, a box or a closet they become tamei, but Rabbi Nechemiah and Rabbi Shimon declare them tahor. Now, don't these differ on the following principle: One Master is of the opinion that it [is regarded as] a vessel while the other Masters are of the opinion that it [is regarded as] a tent?⁶ — Said Abaye: And how do you understand it? Was it not in fact taught: 'If it was a tent that can be shaken it is tamei; if it is a vessel⁷ that cannot be shaken it is tahor'⁸ And, furthermore, in the final clause it was taught: 'But if they were shifted⁹ they become tamei; this being the general rule: [If the object] is

shifted from its place as a direct result of the zav's strength, it becomes tamei, [but if it moved from its place] on account of the vibration [of an object on which it rested]¹⁰ it remains tahor' ¹¹ Rather, said Abaye, all agree [that an object that] moved from its place as a direct result of the zav's strength is tamei [but if it moved as] a result of the shaking [of another object on which it rested] it is tahor; but here we are dealing [with an object], the vibration of which was the direct result of the zav's strength.¹² And it is this principle on which they differ. The Master is of the opinion [that such vibration] is regarded as a shifting [of the object from its place], and the Masters are of the opinion that it is not so regarded. - How then is our Mishnah to be explained?¹³ — Both Abaye and Rava replied: We are dealing with a lock that was tied with a

¹ The Tanna Kamma.

² Lit., 'and there is no building in vessels and no demolition in vessels'. Since the cupboard, therefore, may be broken open the eiruv is accessible and effective.

³ Rabbi Eliezer.

⁴ To which the prohibitions mentioned do apply'. The eiruv, therefore, is inaccessible and ineffective.

⁵ That was covered, for instance, with a glove which prevented it from coming in direct contact with the object struck and from imparting tumah to it by 'touch'.

⁶ To which the tumah mentioned does not apply. It thus follows that the Tannaim in the Mishnah of Zavim differ on the same principle as that on which the Tannaim in our Mishnah differ.

⁷ That was firmly fixed or exceedingly heavy.

⁸ Because its shaking by the zav does not shift it from its place. This obviously proves that the determining factor in the conveyance of tumah by shaking is the shifting of the object from its place and that the question of 'tent' or 'vessel' does not at all arise.

⁹ By the indirect touch of a zav.

¹⁰ If the zav, for instance, stamped upon the ground and the shaking of the floor caused the object to shift from its place, so that the movement is the result of the vibration of the floor and only the indirect result of the zav's strength.

¹¹ Which again proves that the determining factor is the movement of the object from its place by the direct strength of the zav, and that the question of its status as a tent or a vessel does not come at all under consideration. It cannot therefore be suggested that the Tannaim in the Mishnah of Zabim differ on the question of the status of the cupboard as a vessel or tent.

¹² If, for instance, he struck the object with his gloved fist or a piece of wood (so that there was no direct 'touch') and the object only vibrated but did not move from its place.

¹³ If the closet was big, all would agree that it is subject to the law of 'tent'; how then could the first Tanna maintain that the eiruv is effective? If, however, it was a small one, of a capacity of less than forty se'ah of liquids, all would agree that it has the status of a 'vessel'; how then could Rabbi Eliezer maintain that the eiruv is ineffective?



cord for the cutting of which a knife is required.¹⁴ The first Tanna holds the same view as Rabbi Yosi who laid down: All instruments may be moved on the Shabbos except a large saw and the pin of a plough,¹⁵ while Rabbi Eliezer holds the same view as Rabbi Nechemiah who laid down: Even a cloak and even a spoon may not be moved except for the purpose for which they were made.¹⁶ (35a)

MISHNAH: [If the eiruv] rolled away beyond the [Shabbos] limit, or if a heap fell on it, or if it was burnt, [or if it consisted of] terumah that became tamei, [if any of these accidents occurred] while it was yet day, it is ineffective,¹⁷ [but if it occurred] after dusk, the eiruv is effective. If this is doubtful, the man, said Rabbi Meir and Rabbi Yehudah, [is in the position of both] a donkey-driver and a camel-driver.¹⁸ Rabbi Yosi and Rabbi Shimon ruled: an eiruv [whose validity is] in doubt is effective. Rabbi Yosi stated: Avtulmos testified on the authority of five elders that an eiruv [whose validity is] in doubt is effective. (35a)

GEMARA: [If an eiruv] rolled away beyond the [Shabbos] limit. Rava stated: This was taught only where it rolled away

¹⁴ It being too strong to be broken by the bare hands. Had this been possible even Rabbi Eliezer would have permitted the breaking of the cord; and, since the closet could be opened, the eiruv which would in consequence be accessible, would be effective. Though the breaking of a cord on the Shabbos was permitted in connection with 'vessels' only, and not with structures (such as a tent or a closet) that are fixed to the ground, the eiruv here would nevertheless be effective because at the twilight of Friday when the eiruv comes into force, the breaking of the cord, which on the Shabbos itself is forbidden as a Rabbinical measure only, is not even Rabbinically forbidden.

¹⁵ Hence he allows the use of a knife for the cutting of the cord, and this results in the accessibility and effectiveness of the eiruv.

¹⁶ As a knife was not originally made for the purpose of cutting cords it may not be moved on the Shabbos. The eiruv, being in consequence inaccessible, is, therefore, ineffective. In town, however, the eiruv is effective since it is possible to carry the key to the closet by way of courtyards, roofs etc. as indicated previously.

¹⁷ Because an eiruv comes into force at twilight on the Shabbos eve and, since at that time the eiruv in question was both in existence and accessible, its subsequent loss or inaccessibility cannot in any way affect the rights it had conferred upon the man in connection with the Shabbos in question.

¹⁸ Who is unable to make any progress. A camel can be led only by pulling its rein and a donkey can be driven only from behind. A man who is in charge of both animals can neither lead the two on

beyond [a distance] of four amos, but [if it rested] within the four amos [it is effective, since a person] who deposits his eiruv [in any spot] acquires [an area of] four amos.¹⁹ (35a)

Or if a heap fell on it etc. Having been presumed that, if desired, [the eiruv] could be taken out,²⁰ must it be assumed²¹ that our Mishnah is not in agreement with Rebbe, for if [it were suggested to be] in agreement with Rebbe [the difficulty would arise]: Did he not lay down that any work that was only Rabbinically prohibited was not forbidden as a preventive measure [on the Shabbos eve] at twilight?²² — It may be said to be in agreement even with Rebbe, since it may apply to a case where a hoe or a pick-axe is required.²³

And [both rulings were] required. For if [only the one relating to an eiruv that] 'rolled away' had been taught it might have been presumed [that the eiruv was ineffective] because it was not near the man for whom it had been provided, but that where a heap fell on it, since it is near that man, the eiruv is effective. And if [only the ruling] 'if a heap fell on it' had been taught it might have been presumed [that the eiruv was ineffective] because it was covered, but that where it rolled

account of the donkey nor can he drive the two on account of the camel. So with the man the validity of whose eiruv is in doubt. If the eiruv is valid he can walk from the place of its deposit two thousand cubits in all directions including two thousand cubits in the direction of his home but not beyond it. If it is invalid he can walk from his home two thousand cubits in all directions including two thousand cubits in the direction of the eiruv but not beyond it. As the validity of the eiruv is in doubt he can only walk two thousand cubits distance between his home and the eiruv but is forbidden to go beyond the eiruv in the one direction and beyond his home in the other direction.

¹⁹ Which is regarded as his abode. As his eiruv did not roll beyond his acquired abode it must be regarded as effective.

²⁰ Without the use of implements entailing work that is Biblically forbidden on the Shabbos.

²¹ Since the eiruv is deemed ineffective on account, apparently, of the Rabbinical prohibition involved in the removal of the stones that covered it.

²² And since the validity of an eiruv, as explained previously, is dependent on its efficacy at twilight, when the removal of stones (being only Rabbinically forbidden on the Shabbos) is according to Rebbe permitted, the eiruv spoken of in our Mishnah would have been effective.

²³ For the clearance of the heap before access to the eiruv could be obtained. Such work, being Biblically forbidden, may not be performed even at twilight.

away, since a wind might sometimes rise and carry it [back to its place], the eiruv might be said to be effective. [Hence both rulings were] required. (35a)

Or if it was burnt, [or if it consisted of] terumah that became tamei. What need [was there for both these rulings]?- 'It was burnt' was taught to inform you of the power of Rabbi Yosi.²⁴ and 'terumah that became tamei' was taught to inform you of the power of Rabbi Meir.²⁵ But is Rabbi Meir of the opinion that in a doubtful case the more restrictive course is to be followed? Have we not in fact learnt: If a tamei person went down to immerse and it is doubtful whether he performed the immersion or not, or even if he did perform the immersion but it is doubtful whether it was done in forty se'ah [of water] or in less; and, similarly, if he performed his immersion in one of two mikvaos, one of which contained forty se'ah [of water] and the other contained less, and he does not know in which one he performed his immersion he, being in a state of doubt, is tamei. This applies only to a major tumah²⁶ but in the case of a minor tumah²⁷ as, for instance, where one ate tamei foods or drank tamei liquids or where a man immersed his head and the greater part of his body in drawn water, or three log of drawn water were poured upon his head and the greater part of his body and he then went down to perform immersion and it is doubtful whether he did or did not perform it, and even if he did perform it there is

doubt whether the immersion was performed in forty se'ah [of water] or less, and, similarly, if he performed the immersion in one of two mikvaos one of which contained forty se'ah, [of water] and the other contained less, and he does not know in which of the two he performed his immersion he, being in a state of doubt, is tahor; these are the words of Rabbi Meir; and Rabbi Yosi declared him to be tamei?²⁸ — Rabbi Meir is of the opinion [that the laws of the Shabbos] limits are Biblical.²⁹ But does Rabbi Meir uphold the view that [the laws of Shabbos] limits are Biblical? Have we not in fact learnt: If he is unable to span it³⁰ — in connection with this Rabbi Dostai ben Yannai stated in the name of Rabbi Meir: 'I have heard that hills are [treated as though they were] pierced'.³¹ Now if the idea could be entertained [that the laws of the Shabbos] limits are Biblical [the difficulty would arise:] Is [the method of] piercing allowed [in such a case] seeing that Rav Nachman has in fact stated in the name of Rabbah bar Avuha [that the method of] piercing must not [be adopted] in the case of [the measurements around] the cities of refuge,³² nor in that of the eglah arufah³³ because they are [ordinances] of the Torah?³⁴ — This is no difficulty;

²⁴ Who ruled the eiruv to be effective even if it ceased to exist.

²⁵ Who doesn't regard the terumah, about which there was doubt whether tumah was conveyed to it before or after twilight, as tahor. The ruling shows that though the terumah was in existence and there is also the presumption in its favor that at twilight it was tahor as it was before the tumah had been conveyed to it, Rabbi Meir nevertheless does not regard it as tahor.

²⁶ One that is Biblical.

²⁷ One that is only Rabbinical.

²⁸ From which it follows that in a doubtful case, Rabbi Meir adopts the less restrictive ruling. How then is this to be reconciled with our Mishnah where he adopts the more restrictive one?

²⁹ In a Biblically doubtful prohibition the more restrictive ruling is followed. Hence Rabbi Meir's ruling here. In the case of tumah, spoken of in the quoted Mishnah, since it is only Rabbinical, the less restrictive ruling is adopted.

³⁰ Lit., 'to cause it to be swallowed'. This term is applied to a wall, a hill or similar elevation or depression whose horizontal distance can be measured by a rope of the length of fifty amos held at either end by one man. If the horizontal distance is more than fifty amos and a

rope of the length mentioned cannot span it, a different method of measuring, described there, must be adopted.

³¹ Sc. the measuring of a hill or any elevation or depression in the way of the surveyors (cf. previous note) is carried out by a method which produces its horizontal distance, the measuring rope, manipulated in a certain manner being regarded as piercing it in a straight line and emerging on its other side.

³² Not only the cities themselves but also a limited area within a prescribed distance from each city affords the privilege of protection.

³³ To ascertain which city was the nearest it was necessary to 'measure unto the cities in which are round about him that is slain'.

³⁴ The method of 'piercing' produces longer distances than the ordinary methods, omitting as it does to take count of the extent of the slopes. While such latitude in favor of the persons concerned was allowed in the case of Rabbinical ordinances, it was not allowed in that of Biblical ones in connection with which the stricter method, which takes count of the slopes also, must be adopted. Now, since Rabbi Meir allows the method of 'piercing' in the case of Shabbos limits, how could it be maintained that in his view these laws are Biblical?



one ruling was³⁵ his own while the other³⁶ was his master's. A careful examination [of the wording] also [leads to this conclusion]. For it was taught: In connection with this Rabbi Dostai ben Yannai stated in the name of Rabbi Meir, 'I have heard that hills are [treated as though they were] pierced'. This proves it. (35a – 35b)

A contradiction, however, was pointed out between two rulings of Rabbi Meir in respect of Biblical laws. For have we not learnt: If a man who touched a body at night was unaware whether it was alive or dead but when rising on the following morning he found it to be dead, Rabbi Meir regards him as tahor;³⁷ and the Sages regard him as tamei because [questions in respect of] all tamei objects [are determined] in accordance with their condition at the time they were discovered?³⁸ — Rabbi Yirmiyah replied: Our Mishnah [refers to terumah] on which a [dead] creeping thing lay throughout the twilight.³⁹ - But if so, would Rabbi Yosi have ruled: An eiruv [whose validity is] in doubt is effective?⁴⁰ — Both Rabbah and Rav Yosef replied: We are here dealing with two groups of witnesses, one of which testifies that the tumah occurred while it was yet day, while the other testifies [that it occurred] after dusk.⁴¹ Rava replied: In that case there are two presumptive grounds for a relaxation of the law⁴² while here there is only one. (35b – 36a)

³⁵ Lit., 'that', the ruling of Rabbi Meir in our Mishnah which implies that in his opinion the laws of the Shabbos limits are Biblical since the more restrictive course is followed in cases of doubt.

³⁶ That the method of 'piercing' may be adopted in determining the Shabbos limits.

³⁷ Because, as it is obvious that the body was alive until the moment of death approached, it is also presumed to have been alive at the time it was touched.

³⁸ As at the time of discovery the body was dead it must also be presumed to have been dead when it was touched. Rabbi Meir, at any rate, adopts here, though the laws of tumah are Biblical, the lenient view. Why then did he adopt the stricter view in our Mishnah? As the body here is presumed to have been alive at the time it was touched so should the terumah (in the Mishnah) have been presumed to have been tahor at the time the Shabbos began.

³⁹ Of the Shabbos eve. The tumah of the terumah must consequently have set in prior to the commencement of the Shabbos.

INSIGHTS TO THE DAF

Making an Eiruv with Chametz and Matza

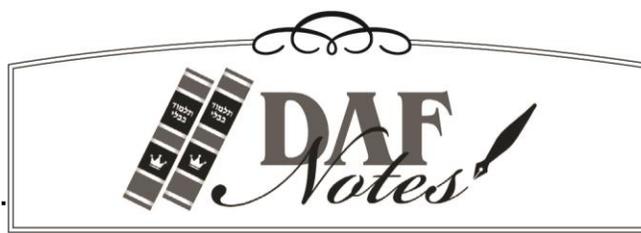
An *eiruv chatzeiros* is set by taking a piece of bread, and granting partial ownership of it to all the residents of a courtyard. In order for the bread to function to this effect, it must be edible. The problem then arises on erev Pesach which falls out on Shabbos. Chametz is prohibited for the latter part of the day, and matza is forbidden from daybreak. What form of bread, then may be used for the eiruv? (Although *Eiruv tchumin* may be set with almost any kind of food, *eiruv chatzeiros* may only be set with bread).

The Poskim begin their discussion of this question by investigating our sugya, regarding an *eiruv t'chumin* that was prepared in the appropriate location, and the wind then pushed it to an inappropriate location, or it was burned or otherwise destroyed. If the eiruv still stood during *bein hashmashos*, when Shabbos began, and was then destroyed, it is kosher. If it was destroyed before *bein hashmashos*, the eiruv is invalid. From here it seems that the eiruv need not be in place for the entirety of Shabbos. Suffice it that the eiruv was in place when Shabbos began. So too, it would seem, that the bread used for the eiruv need not be edible for the entirety of Shabbos. Suffice it that the bread was edible when Shabbos began. Indeed the Meiri (78b), Pri Megadim (O.C. 372, M.Z. s.k. 1) and Shulchan Aruch HaRav (394:3) all write that the eiruv need only be in place during *bein hashmashos* to gain affect, and accordingly R' S. Engle ruled that both

⁴⁰ Obviously not, since this is not a case of doubt but one of certainty where all agree that the eiruv is ineffective.

⁴¹ In the opinion of Rabbi Yosi the two groups of witnesses cancel each other out and the terumah is, therefore, presumed to have been, at the time the Shabbos began, in its former state of presumptive taharah. Rabbi Meir, however, maintains that, since the presumptive taharah of the terumah has been denied by one group of witnesses, its taharah becomes a matter of doubt when, being a Biblical law, the more restrictive course must be followed. In the case of a body its presumptive life at the time it was touched has not been contradicted by any witnesses.

⁴² The presumptive life of the body and the presumptive taharah of the man who touched it. Hence, even where two groups of witnesses were contradicting each other as to whether the body was dead before or after it had been touched, Rabbi Meir would still regard the man as tahor. For by allowing the contradictory evidence of the two groups to cancel each other two presumptions remain in favor of the man's taharah.



chametz and matza are kosher for use as an eiruv on Shabbos erev Pesach (Teshuvos Maharash Engle VI 27).

Other Poskim contest this proof. They hold that the eiruv must be set in such a way that it could remain in place for the entire Shabbos. If it is later moved or destroyed, it is still kosher, provided that it could have remained in place. However, in the case of chametz or matza, it was obvious from the onset that the eiruv would not remain edible for all of Shabbos. Such an eiruv is entirely invalid (Tzafnos Panei'ach, Hilchos Eruvin 6:12).

Matza may be eaten by children, even on erev Pesach: The Tchebiner Rav (Doveiv Meisharim I, 139, s.k. 2) writes that although chametz may be debatable, all opinions should agree that matza may be used. Matza on erev Pesach is only forbidden to adults and children old enough to understand the story of *Yetzias Mitzraim*. Children who are not old enough to understand may eat matza on erev Pesach. An eiruv made of matza is kosher, since it is edible to them for the entire day.

Although our sugya discusses *eiruv t'chumin*, the Poskim explain that the principles apply equally to *eiruv chatzeiros* (Beis Yosef, O.C. 394). The purpose of *eiruv chatzeiros* is to unite the residents of the courtyard by sharing in common ownership of the bread. Once the union is formed during *bein hashmashos* the eiruv need not remain in place for the rest of Shabbos.

Eating the eiruv: Whereas the currently prevalent custom is to set an *eiruv chatzeiros* only from time to time, and rely on the same bread for many Shabbosim to come; the Maharil was accustomed to setting a new *eiruv chatzeiros* on each erev Shabbos. He would then use the bread for *lechem mishna* for the Friday night and Shabbos morning meals. Although he would have been allowed to eat it immediately on Friday night, he preferred to use the same loaf over again for other mitzvos.

The Maharam was accustomed to eat the loaf used for the eiruv on Friday night (Hagahos Maimones 8:4; Hagahos Ashri 3:7; Mordechai, Eruvin 490, citing Maharam Piskei Eruvin: 69). Rashi (Berachos 39b), however, seems to imply that it is better to eat the eiruv on Shabbos morning (Zevach Tzedek, Chadashos 160). The Poskim explain that it is preferable to eat it in the morning, since people often begin Shabbos early.

If we were accustomed to eating the eiruv at night, we might come to eat it even before *bein hashmashos*, thus invalidating the eiruv (Shulchan Aruch HaRav O.C. 393:3; Mishna Berura 394 s.k. 4). Based on Kabbala, the Arizal would eat the *shituf mevo'os* on Friday night, and the *eiruv chatzeiros* by Shabbos day (Kaf HaChaim 366, s.k. 124).

In regard to *eiruv tavshilin*, which allows cooking on Yom Tov for Shabbos, the Shulchan Aruch HaRav (527:25) writes that some have the custom to wait until Seuda Shlishis to eat it (see also *Sefer Eiruvei Chatzeiros*, by R' Menachem Moskowitz, 18).

DAILY MASHAL

R' Akiva Eiger's Kasha in the K.G.B. Interrogation Cellar

R' Yitzchak Zilber recalls that when he lived in Russia, he was once engrossed in the *sugya* of tunneling through the mountain to determine the boundary to the eiruv, which we now study in Daf Yomi. He had in his pocket a piece of paper with notes he had taken, summarizing the opinions of Rashi and Tosafos, and R' Akiva Eiger's proof for Tosefos' opinion. It so happened that he was stopped by the K.G.B. and brought to their interrogation cellar. He was searched, and the paper with the cryptic notes was discovered. They suspected him of being a spy, and demanded to know what the strange markings were. He tried to explain that the paper was just notes from his studies, and had no political bearing at all. They did not believe him, and demanded that he explain all the notes to them.

Hesitantly, he began to explain this most complex and convoluted sugya. For two hours, he tried again and again to explain it to them, while they sifted his words for some hint of espionage. When he completed his discourse, the interrogators were confused and frustrated. Unable to think of any way to construe this sugya as "counter-revolutionary," they released him and sent him on his way.