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Eiruv Daf 80

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o"n**

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

**There is an argument in the Gemora regarding whether or not acquisition for others is necessary for both *eiruvei techumin* and for *shituf mevo'os*.**

Rav's position is that one would have to acquire food for a person for whom he is making an *eiruv techumin*, but he does not have to do this for a person for whom he is making a *shituf mevo'os*. Shmuel position is just the opposite on both counts. Shmuel's reasoning is simple, as the Mishna only states this is necessary for *shituf*, and does not state this is required when stating how to make an *eiruv techumin*. Rav Nachman says that both *eiruv techumin* and *shituf mevo'os* require acquisition.

**Rav held like Rabbi Chiya, who ruled stringently in the incident involving Rabbi Oshiya's daughter-in-law.**

The Gemora relates that Rabbi Oshiya's daughter-in-law was out late, and did not get home in time for Shabbos. In the interim, her mother-in-law had made an *eiruv techumin* for her. However, Rabbi Chiya ruled it was invalid. Rabbi Yishmael the son of Rabbi Yosi disagreed with him.

The Gemora concludes that Rabbi Chiya's stringent ruling was due to the fact that her mother-in-law had not acquired the food used in the *eiruv techumin* for her daughter-in-law.

**One can rent the portion of the yard from the wife of a person who does not want to rent it out (for *eiruv* purposes).**

The Gemora cites two incidents where a gentile did not agree to rent out his portion of the yard for *eiruv* purposes, and the Rabbis stated that the people could rent it out from his wife, against his will. However, this is only if the person will otherwise forbid everyone from carrying in their yard.

**Moreover, the people of a courtyard can forcibly take a portion for the *eiruv* from a person who always takes part in the *eiruv*.**

Being that this is a Rabbinic law and does not involve a monetary loss or a real rental, the Rabbis were lenient in allowing a person to basically be coerced or forced to keep participating in an *eiruv*.

**There is an argument whether or not a beam of an *eiruv* can be made from an *asheirah* tree (tree with a status of an idol).**

Everyone agrees that even though an *asheirah* tree must be burned, a lechi (upright beam) for an *eiruv* can be made from it. This is because a lechi does not have to be any particular size. However, one opinion says that it cannot be used as a korah (beam going across). This is because such a beam must be one *tefach* thick.

Being that the *asheirah* tree must be burned, it is as if it has no thickness, and is therefore unfit. (80a – 80b)

## INSIGHTS TO THE DAF

The Gemora says that while an *asheirah* tree can be used as a *lechi*, it cannot be used as a *korah*.

Tosfos asks that if it cannot be a *korah* because a *korah* must be one *tefach* thick, why does everyone agree it can be a *lechi* that must be ten *tefachim* high?

Tosfos answers that being that a *lechi* only requires a slight amount of material, ten *tefachim* high by a miniscule amount wide, the Rabbis were not stringent that one cannot use it for a *lechi*.

Tosfos points out that although we are lenient here regarding this Rabbinic law, the Rabbis were stringent that one cannot use a *lulav* for *Sukkos* that is taken from an *asheirah* tree. This is because the *lulav* is used to perform a *mitzvah*, as opposed to a *lechi* that is either a halachic wall or just to show that one should not carry beyond there.

Tosfos quotes Rabbeinu Avraham who answers that if we would burn the *asheirah* branch and stick its ashes together, we could form a very thin ten *tefach* high pole (of ashes). Therefore, burning it would not affect its status. On the other hand, the *korah* would no longer be one *tefach* thick.

### **Idolatrous Eiruv**

By: Meoros HaDaf HaYomi

The Sages decreed that in order to carry in an alleyway on *Shabbos*, a *lechi* or *korah* must be erected at its entrance. A *lechi* is a vertical post at least ten *tefachim*

high, and of any width. A *korah* is a horizontal post over the top of the alley, at least one *tefach* wide. In the beginning of our *masechta*, the Gemara discusses how the *lechi* and *korah* serve to permit carrying in the alley. The Gemara concludes that the *lechi* serves as a *mechitzta*, a makeshift “wall” of sorts, which closes off the alley. A *korah* serves as a sign to remind people not to carry from the alleyway into the *reshus harabim*.

In our *sugya*, the Gemara makes an interesting distinction between the two. Before Bnei Yisrael entered Eretz Yisrael, Moshe Rabbeinu commanded them to destroy the idols of the Canaanites, as the *possuk* states, “You must destroy their altars, break their pillars, burn their *asheirah*-trees with fire, cast down their carved images, and destroy their name from that place” (Devarim 12:3). According to R’ Chiya bar Ashi, a *lechi* may be made from an *asheirah*-tree, but a *korah* may not.

The Gemara explains that since the *korah* is marked for destruction, halachically it is considered as if it has already been burnt. Therefore, it lacks the minimum size requirement of one *tefach* width.

The Rambam rules accordingly (Hilchos *Shabbos* 17:12-13), and explains that since a *korah* has a minimum width, it may not be made from an *asheirah*-tree. However, since a *lechi* has no minimum width, it may be made from an *asheirah*-tree. The Raavad argued against this ruling, insisting that a *lechi* has a minimum height, and therefore its halacha should be identical to that of the *korah*.

R’ Chaim Soloveitchik of Brisk (ibid) defended the Rambam’s opinion by offering a subtle but fascinating insight into the nature of the *mechitzos* which form a *reshus hayachid*. To begin with, he points out that the

Gemara did not state that an idol slated for destruction is considered as if has been burnt, and therefore does not exist. It stated that *asheirah*-wood is as if it has been burnt, and therefore is lacking in the minimum size requirements. R' Chaim does not endeavor to explain why this is so. He simply accepts this as a given fact, upon which he builds the following theory to explain the Rambam.

As we know, a *reshus hayachid* must be surrounded by walls at least ten *tefachim* high. How precisely should we define this halacha? Does it mean that the walls must be ten *tefachim* high? Or perhaps that the area surrounded by walls must be ten *tefachim* high? In this subtle distinction lies the key to understanding the Rambam's ruling. A *lechi* works as a makeshift *mechitza*. As we noted above, idolatrous *mechitzos* still exist, but the halachic significance of their height does not. Thus, the *mechitza* is not considered to be ten *tefachim* tall, but the area surrounded by the *mechitza* is still ten *tefachim*, since the *mechitza* does in fact still exist. Therefore, the Rambam stresses that there is no minimum width to a *lechi*, which would have disqualified an *asheirah*-tree *lechi*. The minimum height, to which the Raavad refers, is not relevant to the *lechi* itself, but to the area enclosed by the *lechi*. Not so with a *korah*, which has a minimum width, and therefore an *asheirah*-tree *korah* is possul.

### **Sharing an Eiruv T'chumin**

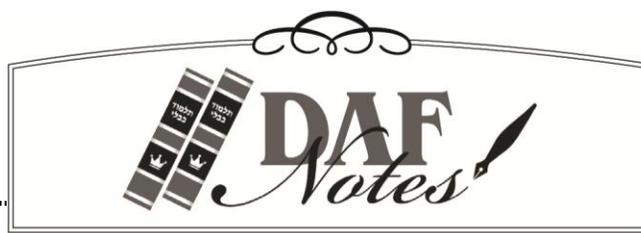
According to the halachos of *t'chum Shabbos*, one may not walk farther than two thousand *amos* in any direction from the city in which he is located. However, by setting an *eiruv t'chumin*, one relocates the center of his *t'chum*, such that he may walk two thousand *amos* in any direction of the *eiruv*. For example, he may prepare from erev Shabbos an *eiruv t'chumin* two thousand *amos* to the east of his home,

and then walk from his home to the *eiruv*, and another two thousand *amos* past it. However, he would then be forbidden to walk even one *amah* to the west of his home, since his new *t'chum* is circumscribed by the *eiruv* to the east.

An *eiruv t'chumin* is set using food, which must be placed at the center of the *t'chum*. Just as one person may set an *eiruv chatzeiros*, and grant his neighbors a portion in it allowing them to carry into the courtyard, so may one set an *eiruv t'chumin* and grant a portion to anyone wishes to walk in that direction. Before Shabbos begins, he must transfer partial ownership of the *eiruv*-food to anyone who wants to use the *eiruv*, and announce that the *eiruv* is set for anyone who wishes to use it (Shulchan Aruch O.C. 413).

When setting an *eiruv chatzeiros*, it is sufficient to use two meals worth of food, even for a courtyard numbering many people. However, when setting an *eiruv t'chumin*, one must use two meals worth of food for each person relying on the *eiruv*. (One need not provide all the dishes for that meal. For example, if one typically eats one slice of onion over the course of two meals together with his other foods, it is sufficient to use one slice of onion for each person).

The Taz (O.C. 411 s.k. 1) explains the reason for this distinction: *eiruv chatzeiros* is designed to unite the residents of a courtyard into one collective body. Therefore, the *eiruv* needs only enough food for one person. In *eiruv t'chumin*, each person is circumscribed by his own boundary of *t'chum* Shabbos. One person's boundary has no bearing on the others. Therefore, each one needs his own food for an *eiruv* in order to set a new boundary. Accordingly, one would think that in order to set an *eiruv t'chumin* for an entire city, one must place enough food to feed the whole city. However, the Chasam Sofer (Teshuvos, O.C. 93)



explains that one need only set an amount sufficient for the people that will in fact use the *eiruv*. He may then grant ownership of the food in the *eiruv* to whosoever should wish to use it.

**An *eiruv t'chumin* for several weeks:** Generally, an *eiruv t'chumin* is set using food such as dried fruit, which will not spoil. Thereby, the same *eiruv* may be used for many weeks. This being the case, we must note that the people who used the *eiruv* to walk past the boundary on the first Shabbos acquired ownership of the food used in the *eiruv*. How can other people then use the same *eiruv* on following weeks? They have no portion in the food, which was already claimed during the first week of the *eiruv*?

One possible solution is that the person who sets the *eiruv* does not grant permanent ownership of the *eiruv*-food to those who rely on the *eiruv* on any given week. He grants them ownership for that week alone, on condition that their share automatically returns to him after Shabbos, to be dispensed to others on the following week.

However, this solution assumes that a temporary transfer of ownership is valid under Torah law. The Rosh (Sukka, 3:30) rules in regard to lulav and esrog, that there is no such thing as temporary ownership, which reverts automatically to the original owner after a set time. On the first day of Sukkos one may only fulfill his obligation with his own lulav and esrog. If one gives his lulav and esrog to another to use, he must grant the other person full ownership. If he grants him ownership, "on condition that he then return it," the ownership does not automatically revert to the original owner. The second owner must make a halachically valid transaction to return it. If the second owner does not do so, then the condition was not fulfilled, and it is considered as if the lulav had never

left the first person's ownership, and the second person did not fulfill his obligation.

The same should be true in regard to *eiruv t'chumin*. The people who relied on the *eiruv* for the first Shabbos must make a halachically valid transaction to return the food to the original owner after Shabbos. If they do not do so, then it is retroactively considered as if they never acquired a portion in the *eiruv*, and they exited their *t'chum Shabbos* illegally.

**Limited privileges in the *eiruv*:** R' Wosner (Shevet HaLevi VI 44) offers a different solution, based on the Emek HaShe'eila (132), who writes that it is not necessary to transfer actual financial ownership of the *eiruv*-food to those who wish to rely on it. It is sufficient to grant them permission to use the food, should they so desire. Since they never acquired proper ownership, they need not return the food after Shabbos. Their privilege to use the food was limited to the first Shabbos, and on the next Shabbos the privilege is extended to whoever wishes to rely on it then.

## DAILY MASHAL

### *The Fool Walks in Darkness*

Above (7a) we learned that if a person follows the lenient opinions of both Beis Shammai and Beis Hillel (when the leniencies are contradictory) he is wicked. If he follows the stringent opinions of them both, he is a fool, of whom the *possuk* states, "The fool walks in darkness" (Koheles 2:14). R' Yom Tov ben Ashbilai explains that he is not a fool for being stringent in case of uncertainty. He is a fool for not having clarified the halachos, thereby avoiding unnecessary stringencies.