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Eiruv Daf 81

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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

The *Mishna* states: With all kinds (*of food*) may an *eiruv* or *shittuf* be effected except with water or salt; these are the words of Rabbi Eliezer. Rabbi Yehoshua ruled: A whole loaf of bread is a valid *eiruv*. Even if it is baked from one *se’ah* (*a large amount of flour*), if it is a broken loaf, it may not be used for an *eiruv*, while a loaf of the size of an *issar* (*a small amount*), provided it is whole, may be used for an *eiruv*.

The *Gemora* asks: Have we not once learned: With all kinds (*of food*) may an *eiruv* or *shittuf* be effected, except water and salt?

Rabbah replied: Our *Mishna* was intended to exclude the view of Rabbi Yehoshua, who ruled that only a loaf of bread is admissible, but no other foodstuff; therefore, we were informed that an *eiruv* or *shittuf* be effected with all kinds of food.

There is an argument whether or not a slice of bread can be used for an *eiruv*.

The *Gemora* explains that when an earlier braisa said an *eiruv* can be done “with anything,” it was coming to exclude Rabbi Yehoshua’s opinion in our *Mishna* that only a whole loaf of bread must be used. The *Gemora* explains that Rabbi Yehoshua held this way because it would end up causing argument if one person contributed a whole loaf, while another contributed a slice.

According to Rabbi Yehoshua, if a bread falls apart but is reconnected with a toothpick, it may be valid to be used for an *eiruv*.

Rav Chisda says that it is valid. The *Gemora* asks, there is a braisa that says it is not valid!

The *Gemora* answers that Rav Chisda was referring to a case where the reconnection makes it so that the “seam” where the bread was originally broken is not noticeable. The braisa is talking about a case where it is still noticeable.

The *Mishna* states: A man may give a *ma’ah* to a grocer or a baker that he might thereby acquire a share in the *eiruv*; these are the words of Rabbi Eliezer. The Sages, however, ruled: His money acquires no share for him (*for acquisition of an eiruv, like that of any other object, can be effected only by means of a definite act such, for instance, as meshichah; even if the grocer or baker subsequently conferred possession upon all the residents as a free gift this man does not acquire his share in it, since transfer of possession in the case of an eiruv requires the consent of the beneficiary who, in this case, distinctly expressed his desire to acquire it as a purchase and not as a gift*). They agree that in the case of all other men, his money may acquire one, since an *eiruv* may be prepared only with one’s consent. Rabbi Yehudah said: This (*that an eiruv may be prepared only with one’s consent*) applies only to *eiruvei techumin*, but in the case of *eiruvei chatzeiros*, one may be



prepared for a person, irrespective of whether he is aware of it or not, since we can acquire something for someone in his absence if it is meritorious for him (*to acquire it*), but we cannot if it is detrimental to him (*to acquire it*).

The *Gemora* asks: What is Rabbi Eliezer's reason, seeing that the man performed no *meshichah*?

Rav Nachman said in the name of Rabbah bar Avuha: Rabbi Eliezer treated this case as that of the 'four seasons of the year' (*where a similar relaxation of the laws of acquisition was allowed*).

The *Mishna* lists four times of the year when one who sells an animal must notify the buyer if he already sold the animal's mother or child, since we assume the buyer is planning to slaughter the animal today:

1. The eve of Shmini Atzeres
2. The eve of the first day of Pesach
3. The eve of Shavuot
4. The eve of Rosh Hashanah

These four times we force the seller to slaughter a whole animal, even if the buyer only bought a small amount of meat, and therefore the buyer must pay even if the animal died. However, during the rest of the year, we do not force the seller to slaughter the animal for a little meat that the buyer bought, and therefore the buyer need not pay if the animal died.

The *Gemora* asks how he acquired it, if he did not take physical possession by taking it.

Rav Huna answers that the *Mishna's* rule is only when he did take the animal, and therefore he is the owner of the meat.

The *Gemora* challenges this from the continuation of the *Mishna*, which states that during the rest of the year, he is not liable. If he took the animal, he should be liable at all times.

Rabbi Shmuel bar Rav Yitzchak explains that he did not take possession, but the seller used a proxy to take possession for the buyer. Acquiring via proxy only works when the acquisition is a benefit. During these periods, owning the meat is considered a benefit, so he owns the meat, but otherwise it is considered a detriment, so he does not own it.

Rabbi Yochanan says that from Torah law one acquires an item by paying for it, but the Sages instituted that one must first take possession, to induce the seller to care for the item well until then. During these four times, the Sages reverted to the Torah law, to allow the buyer to force the seller to slaughter the animal to provide him with meat.

Rabbi Yochanan famously holds this way. He understands that there is a Rabbinic decree that one needs to pull the object or do a different mode of acquisition in order to fully acquire it. This is because we suspect that a person will buy wheat (*or any movable object*) by paying money, and the seller will then (*before the buyer picks up the wheat*) have a fire burn on his property. In such a case, the seller will not bother to save the wheat, as it is no longer his. The Rabbis therefore decreed that there is no full transfer of possession until the buyer takes it into his possession using a different mode of acquisition.

There is an argument in the *Gemora* whether Rabbi Yehudah in our *Mishna* is arguing on or explaining the position of the Tanna Kamma.



There are two opinions in our Gemora regarding the explanation of our Mishna. The Tanna Kamma stated one cannot make an *eiruv* for someone without that person's knowledge. Rabbi Yehudah's said that this is only regarding an *eiruv techumin*. However, a person can make an *eiruv chatzeiros* for someone without their knowledge.

Rav Acha and others hold that Rabbi Yehudah is just explaining the Tanna Kamma's words, while Rav Shizvi understands that the Tanna Kamma disagrees and holds that one cannot even make an *eiruv chatzeiros* for someone without his knowledge. (81a – 81b)

INSIGHTS ON THE DAF

Why these four times?

The *Mishna* lists the four times that a seller must assume that someone buying an animal is planning to slaughter it today:

5. The eve of Shmini Atzeres
6. The eve of the first day of Pesach
7. The eve of Shavuos
8. The eve of Rosh Hashana

The Rishonim discuss why specifically these four days are listed, and not the eve of other holidays. Tosfos (83a uk'divrai) cites Rabbeinu Tam, who says that on the eve of Sukkos people are busy with preparing their sukkah and lulav/esrog, and therefore are not as likely to slaughter an animal.

The Meiri says that people generally allocate more meat for Shmini Atzeres, which would deemphasize the first day. Rashi says that people would pay special attention to Shmini Atzeres, as it is considered its own holiday.

Rashi in Avoda Zara (5b) says that since Shmini Atzeres is the last day to bring the obligatory sacrifices of Sukkos, people end up slaughtering more animals for it.

Tosfos (Avoda Zara 5b Erev) cites those who say that each of these four days have something unique about them, which leads people to slaughter:

1. Shmini Atzeres is reserved as a day celebrating the special relationship of Hashem with Bnai Yisrael.
2. Even though Rosh Hashanah is an awesome day of judgment, we celebrate it with meat, to show our trust in Hashem's ultimate favorable judgment of us.
3. Pesach is the redemption from Egypt, for which we especially celebrate.
4. Shavuos must be celebrated with good food, as we received the Torah on it. The *Gemora* states that all agree that one must physically enjoy Shavuos for this reason.

How to Rule?

The Mishna contains an argument between Rabbi Eliezer and Rabbi Yehoshua regarding whether or not one must use a whole piece of bread or a slice of bread for an *eiruv*. Rabbi Eliezer is lenient that a slice can be used, while Rabbi Yehoshua is stringent that only a whole loaf can be used.

The Rashba notes that the Rishonim (and indeed the Shulchan Aruch in O.C. 366:6) rule like Rabbi Yehoshua. This seems to contradict the Gemora oft stated ruled that we always follow the lenient opinion in *eiruv*. What caused the codifiers to rule like Rabbi Yehoshua?

The Rashba answers that it was a combination of reasons. First of all, the Gemora often cites that Rabbi Eliezer belonged to the school of Beis Shamai, and we do not usually rule like Beis Shamai. Secondly, Rebbi explains Rabbi Yehoshua's reason. This implies that his law is pertinent. Additionally, our Gemora continues to discuss Rabbi Yehoshua's position at length, and states laws such as that of Rav Chisda (in #2 above). This is how the codifiers knew that the law must follow Rabbi Yehoshua, unlike other such arguments in *eiruv*.

[However, it should be noted that there is an argument whether or not Rabbi Yehoshua holds that shituf mevo'os requires a whole loaf (see Biur Halachah at the beginning of O.C. 366).]

DAILY MASHAL

When are Water and Salt Signs of Ill-Omen?

The Mishna states that any kind of food may be used for an *eiruv t'chumin* except water or salt. The Talmud Yerushalmi explains that water and salt are signs of ill-omen. The world was destroyed by water during the *Mabul*, and Sdom was overturned and made into salt.

The Shiyarei *Korban* commentary on the Yerushalmi poses a question from the Gemara on Berachos, which states that according to R' Yehuda, no beracha is recited over unripe fruit that fell from the tree, since it is a sign of ill-omen. Yet no opinion suggests that no beracha should be recited over water, which is clearly a blessing, and necessary to sustain life.

The Tchebiner Rosh Yeshiva, R' Baruch Shimon Schneerson *zt"l*, explained that an *eiruv t'chumin* is set in order to determine one's "place" in regard to his

t'chum Shabbos. Water and salt are only considered signs of ill-omen in this regard, since they destroyed places: i.e. water destroyed the world, and salt destroyed Sdom. In every other respect they are signs of blessing ("Tzfonus", Teves 5759).

Accepting the Torah on Another's Behalf

When the Jewish people were granted the Torah on Har Sinai, they accepted it on their own behalf, and on behalf of all future generations. According to some opinions, the souls of all future generations, and of all the converts who would ever be, were also present to accept the Torah. However, in regard to the covenant sealed by Moshe Rabbeinu, in which the Jewish people agreed to accept the reward for mitzvos and the punishment for aveiros, the *possuk* seems to imply that they were not there: "Not with you alone do I seal this covenant and this warning, but with whoever is here... and with whoever is not here with us today" (Devarim 29:13-14).

The Yismach Moshe (parshas Vayera) asks based on our Gemara, that one may act on another's behalf without his consent only to his benefit, but not to his disadvantage. Our forefathers could accept Moshe's blessing for their descendants who would perform the mitzvos, but how could they accept his curse for those who would transgress? He explains that the blessings and curses were placed upon us as a united nation. The tzaddikim among us represent the most vital aspect of our people. For them, Moshe's offer of reward and punishment would certainly be beneficial, and therefore it would be beneficial for us as a nation as well.