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Eiruvin Daf 96

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Daf Notes is currently being dedicated to the neshamah of

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There is an argument whether or not Shabbos is considered a day where one can fulfill the mitzvah of *tefillin*.

It was taught in a *braisa*: *And you shall take heed of this decree in its appointed time from day to day. Day excludes night, and from day excludes certain days, such as Shabbos and Yom Tov*; these are the words of Rabbi Yosi haGelili. Rabbi Akiva says: The word *decree* in this verse is referring only to the laws of *pesach* sacrifice (*and cannot be used to derive which days the mitzvah of tefillin applies to*).

The *Gemora* asks on Rabbi Akiva from that which we learned in the following *Mishna*: The *Pesach* sacrifice and circumcision are positive commandments. Must it be assumed that this is not in agreement with the view of Rabbi Akiva, for it were to be contended that it was in agreement with Rabbi Akiva, the following objection would arise: Since he applied it to the *Pesach* sacrifice, a negative commandment should be involved as well!? This is based on Rabbi Avin's statement in the name of Rabbi Ilai that whenever the verse states either guard, lest, or "al" (*meaning do not*) it has the status of a negative prohibition.

The *Gemora* answers that Rabbi Akiva holds that this statement applies only to a negative action (*such as do not cut off biblical leprosy, which is stated with the word guard*); however, when the Torah says these

words in regarding to making sure one does a positive action (*i.e. putting on tefillin at the right time*), it is a positive commandment.

Although the *Gemora* later proves that Rabbi Akiva agrees that one cannot fulfill the mitzvah of *tefillin* on Shabbos, the *Gemora* cites another *Tanna* that holds that one can fulfill the mitzvah of *tefillin* on Shabbos.

The *Gemora* asks: And does Rabbi Akiva indeed hold that *Shabbos* is a time for *tefillin*? Was it not taught in a *braisa*: Rabbi Akiva said that a person might think that he should don *tefillin* on *Shabbos* and *Yom Tov* as well. This is why the verse states: *And you will bind them as a sign on your arm, and they will be tefillin between your eyes*. This refers to days where a sign (*that the wearer observes Hashem's Torah*) is needed. This excludes *Shabbos* and *Yom Tov*, as the essence of the day is that of a sign.

The *Gemora* cites a *braisa* where a different *Tanna* maintains that *Shabbos* is a time for *tefillin*: If a man was awake at night, he may remove his *tefillin* if he wishes, or if he prefers, he may keep them on; these are the words of Rabbi Nassan. Yonasan the Kitionite said: *Tefillin* may not be worn at night. Now, since according to the view of the first *Tanna*, the night is a proper time for the wearing of *tefillin*, *Shabbos* also must be a proper time for the wearing of *tefillin*.

The *Gemora* asks: But is it not possible that he holds that the night is a proper time for *tefillin*, but that the *Shabbos* nevertheless is not a time for it, since we have in fact heard Rabbi Akiva to state that the night is a time for the *tefillin* and that the *Shabbos* is not?

The *Gemora* answers: It represents rather the opinion of the following *Tanna*, for it was taught in a *braisa*: Michal the daughter of the Kushite wore tefillin and the Sages did not protest against her, and the wife of Yonah attended the festival pilgrimage and the Sages did not protest against her. Now since the Sages did not protest against her, it is clearly evident that they hold the view that it is a positive *mitzvah*, where its performance is not time-bound. [*Seemingly, it may be performed at all times, including the nights, Shabbosos and festivals. Had its performance been limited to particular times, women would have been exempt from the obligation of keeping it, and Michal who would be guilty of adding to the commandments would have been required by the Sages to abandon her practice.*]

The *Gemora* asks: But is it not possible that he holds the same view as Rabbi Yosi who ruled that it is optional for women to lean their hands upon an offering (*even though the commandment was given only to men; evidently, no transgression is involved*)? For were you not to say so, how is it that Yonah's wife attended the festival pilgrimage and the Sages did not protest against her, seeing that there is no one who contends that pilgrimage is not a positive *mitzvah* which is time-bound? You must consequently admit that he holds it to be optional; could it not then here as well be said to be optional?

The *Gemora* answers: It represents rather the opinion of the following *Tanna*, for it was taught in a *braisa*: If *tefillin* are found, they are to be brought in, one pair at

a time, irrespective of whether the person who brings them in is a man or a woman, and irrespective of whether the tefillin were new or old; these are the words of Rabbi Meir. Rabbi Yehudah forbids this in the case of new ones, but permits it in that of old ones. Now since their dispute is confined to the question of new and old, while in respect of the woman there is no disagreement; it may be concluded that it is a positive *mitzvah*, where its performance is not time-bound, and women are subject to the obligations of such *mitzvos*.

The *Gemora* asks: But is it not possible that he holds the same view as Rabbi Yosi who stated: It is optional for women to lean their hands upon an offering?

The *Gemora* answers: This cannot be entertained at all, for neither Rabbi Meir holds the same view as Rabbi Yosi, nor does Rabbi Yehudah hold the same view as Rabbi Yosi. Neither Rabbi Meir holds the same view as Rabbi Yosi, since we learned in a *Mishna*: Children are not to be prevented from blowing the *shofar*. It follows from this that women are to be prevented (*in order that their act should not appear as an 'addition to the commandments*), and any anonymous *Mishna* represents the view of Rabbi Meir. Nor does Rabbi Yehudah hold the same view as Rabbi Yosi since it was taught in a *braisa*: *Speak to the children of Israel ... and he shall lean*; only the sons of Israel '*shall lean*,' but not the daughters of Israel. Rabbi Yosi and Rabbi Shimon ruled: It is optional for women to lean. Now who is the author of all anonymous statement in the Sifra? It is Rabbi Yehudah.

Rabbi Elozar said: If a man found *techeiles* (*blue wool*) in the street; if it was in the shape of strips, it is unfit (*for tzitzis, since it is possible that the dyeing was not done with the intention, and for the purpose of using*

the wool for tzitzis; the threads for the tzitzis must be spun and dyed for the purpose of using them in the fulfillment of the mitzvah), but if it was in the shape of threads, it is fit.

The *Gemora* asks: Why do the strips differ? It is because it may be assumed that they were dyed for the purpose of being used for the manufacture of a cloak; but then, might it not be assumed in the case of threads as well that they were spun for the purpose of weaving a cloak with them?

The *Gemora* answers: This is a case where they were twisted (*together, where such threads are not used in the weaving of a cloak*).

The *Gemora* asks: But even where they were twisted, might it not be assumed that they were spun for the purpose of being inserted in the hem of a cloak (*as a decoration*)?

The *Gemora* answers: This is a case where they were cut (*into short strips, which make them suitable for tzitzis, but quite unfit for use in the hem of a cloak*), since people would not take so much trouble (*to weave them together and then to use them for a hem*) with them.

semichah. They did this not because women can do semichah, but in order to make the women feel good.

The *Gemora* continues to explain that actually, the women did not do semichah, which is leaning one's weight on the animal. They just put their hands over the animal. Tosfos there adds that the korban belonged to these women.

Most Rishonim understand that the *Gemora* concludes that even Rabbi Yosi really agrees that women are not allowed to do real semichah. The *Turei Even* in *Chagigah* brings another proof to this fact by stating that real semichah must be immediately before the slaughtering. This could not have been the case here, as the korban had to be brought to the ezras nashim for the women to do the semichah.

The *Ra'avad* in *Toras Kohanim* (2:20) argues on most Rishonim and learns the *Gemora* in *Chagigah* differently. He states that Rabbi Yosi indeed holds it is permitted for a woman to do semichah. The reason why our *Gemora* objected is because the incident of *Aba Elazar* happened regarding a korban that did not belong to these women (unlike the opinion of *Tosfos* in *Chagigah* quoted above and most Rishonim).

INSIGHTS TO THE DAF

Semichah by Women

The *Gemora* in *Chagigah* (16b) is important in helping us understand the argument whether or not women can do semichah. In *Chagigah*, Rabbi Yosi continues by relating a story told him by *Aba Elazar*. *Aba Elazar* said that once there was a shelamim offering that they took to the women's section for the women to do