

5 Tammuz 5773  
June 13, 2013



Eiruvin Daf 97

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Daf Notes is currently being dedicated to the neshamah of

**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 a dispute whether a bow is valid for tying the straps of Tefillin.**

Rav Chisda maintains that one cannot use a bow for tying Tefillin. This is based on the opinion of Rabbi Yehudah who maintains that one cannot tie Tefillin with bows in order to save them on Shabbos. Tefillin are akin to clothing when worn in the correct manner, and a bow is not the correct manner to tie Tefillin, so they are considered to be a burden and cannot be saved on Shabbos. Abaye, however, disagrees with Rav Chisda and Abaye maintains that one can tie the straps of the Tefillin with a bow, but Rabbi Yehudah maintains that a bow is a proper knot, and one is biblically forbidden to make a bow on Shabbos, just like it is biblically forbidden to make an know on Shabbos. (97a)

**The details of tying the Tefillin knot are Halacha LeMoshe MiSinai.**

The details pertaining to the Tefillin knot are Halacha LeMoshe MiSinai, a tradition received by Moshe at Sinai. This relates to the Tefillin straps that are tied in the shape of the letter *dalet* for the Tefillin worn on the head and in the form of the letter *yud* for the Tefillin worn on the arm. The letter *shin* is formed on the outside of the Tefillin or on the head and these three letters combined form the name *Sha-dai*, Hashem's Holy Name. Additionally, the letter *shin* on the head Tefillin must be visible on the outside. It cannot be formed on the inside of the Tefillin box. (97a)

**One who buys many pairs of Tefillin from someone who is not proficient in the laws of Tefillin, he must examine two Tefillin that are placed on the arm and one that is placed on the head, or two Tefillin that are placed on the head and one Tefillin that is placed on the arm, in order to ascertain their validity.**

One who buys many pairs of Tefillin from one who is not proficient in the laws of Tefillin, in order to ascertain that the Tefillin are valid, he must examine two arm Tefillin and one head Tefillin or two head Tefillin and one arm Tefillin. This refers to a case where the one buying the Tefillin bought the Tefillin from one person and we need to ascertain that the scribe who wrote the Tefillin is proficient in writing Tefillin for the head and for the arm. If we have there Tefillin that are valid we can assume that the scribe who wrote the Tefillin is proficient at his trade. The requirement that one head Tefillin and one arm Tefillin be inspected is so that we verify that the scribe is proficient in the laws pertaining to both the head Tefillin and the arm Tefillin. (97a)

**There is a dispute regarding how many times an act has to occur in order to be considered a *chazakah*.**

Rebbe maintains that a *chazakah* is established after an act occurs two times. Rabbi Shimon ben Gamliel, however, maintains that an act must occur three times in order to establish a *chazakah*. The Baraisa that states that one must examine two Tefillin, one head Tefillin and



an arm Tefillin follows the opinion of Rebbe, who maintains that two times establishes a chazakah. (97a)

**Heaps and bundles are essentially similar.**

The Mishnah stated that if one found many pairs of Tefillin that were tied in pairs or bundles, he must stay with them until dark and then bring them to safety. Heaps and bundles are essentially similar, except that heaps refer to many Tefillin, and each pair of Tefillin is tied together and then all the pairs are grouped together, whereas bundles implies that many pairs of Tefillin are bundled together but they are not tied in individual pairs. (97a)

**It is preferred to bring all the Tefillin in before the onset of Shabbos.**

The Mishnah stated that when one finds many pairs of Tefillin, he must stay with them until the end of Shabbos and then he brings them to safety. This means that if it is possible for him to bring each individual pair of Tefillin before sunset, then he should bring them in one pair at a time. If this is not possible, however, then he must remain with the Tefillin until the end of Shabbos and then he can bring them in. He is allowed to stay with the Tefillin until after dark, but he is not allowed to wear the Tefillin in a public domain on Shabbos, as this is only permitted if he can rescue all the pairs of Tefillin. (97a)

**There is a distinction between a time of danger when the gentiles outlawed wearing Tefillin and the danger of meeting up with armed bandits.**

The Mishnah stated that in a time of danger, one can cover the Tefillin and leave them. A Baraisa was taught that in a time of danger one should carry the Tefillin to safety by walking less than four Amos at a time. In this manner, he avoids violating the Shabbos prohibition of carrying four Amos in a public domain. The Gemara resolves the contradiction between the ruling of the

Mishnah and the ruling of the Baraisa by stating that the Mishnah refers to a danger created by the gentile's decree that a Jew could not wear Tefillin. Due to the fear of being killed for violating the decree, one is only required to cover the Tefillin so they should not be totally disgraced and then he can leave them. The Baraisa, however, refers to a danger of armed bandits, and then one is permitted to transport many pairs of Tefillin by carrying them less than four Amos at a time. This was allowed because the bandits would find the Tefillin they would defile them. (97a)

**There is a dispute if it is preferred to walk with Tefillin less than four Amos in a public domain or if it is preferred to pass the Tefillin from one person to another.**

The Mishnah stated that there is a dispute between the Chachamim and Rabbi Shimon regarding a time of danger. The Chachamim maintain that one should cover the Tefillin and leave them and Rabbi Shimon maintains that he should give them to someone else, and that person should give the Tefillin to another person, until the last person reaches the outermost courtyard of the city. The Gemara qualifies the dispute in the following manner. The Chachamim maintain that one covers the Tefillin and leaves them when there is a danger that the gentiles will kill someone who is suspected of wearing Tefillin. If the danger is because of armed bandits, however, then he should carry the Tefillin less than four Amos at a time. Rabbi Shimon disagrees and maintains that the Tefillin should be passed from one person to another. The Chachamim maintain that it is preferred to walk less than four Amos than to pass them from one person to another, because passing from one person to another is an unnecessary display of disrespect for the Shabbos. Rabbi Shimon, however, maintains that it is preferable to pass the Tefillin from one person to another because if one carries the Tefillin less than four Amos, he may not realize what he is doing and he will

come to violate the biblical prohibition of carrying four Amos in a public domain on Shabbos. (97b)

**Rabbi Yehudah maintains that water has no substance.**

The Mishnah stated that Rabbi Yehudah maintains that one can give a barrel to his friend, and that person will pass it to another person, and this is permitted even if the barrel is moved beyond the techum of the owner. There is a ruling elsewhere that animals and vessels are like the feet of the owner, i.e. that they can only be transported as far as the owner himself can go. Since the owner cannot go beyond his Shabbos techum, also his property cannot be transported beyond the techum. Another person would thus also be forbidden to transport the item beyond the techum of the owner. Rabbi Yehudah maintains that our case refers to pouring water from one barrel to another and water does not have substance. The barrel is not leaving the techum of the owner, and since only the water is being transported beyond the techum, the water has no substance and is not limited to remaining in the techum of the original owner. (97b)

**One who takes a live person on a bed out into the public domain on Shabbos is not liable a *chatas* even for the bed because the bed is secondary to the person.**

If one takes a live person on a bed out into a public domain on Shabbos, he is exempt from bringing a *chatas* offering even for having carried out the bed, because the bed is secondary to the person. Carrying a live person does not constitute a violation of carrying on Shabbos, as a live person carries himself. Since one is exempt for carrying the person, he is not liable for carrying the bed, which is only an accessory to the person. Similarly, if one takes out into a public domain food in a vessel and the food is less than the equivalent of a dried fig, he will be exempt even for carrying the vessel, as the vessel is secondary to the food. (97b)

## INSIGHTS TO THE DAF

### *The knots in the Tefillin*

The Gemara states that the details of the Tefillin are *Halacha LeMoshe MiSinai*. Rashi explains that that knots spell out the Name *Sha-Dai*, the Holy Name of Hashem. The strap of the arm Tefillin has a knot which is comparable to the letter *yud*, the strap on the head Tefillin has a knot that is like the letter *dalet*, and the letter *shin* is on the outside of the head Tefillin.

Tosfos questions the opinion of Rashi from a Gemara<sup>1</sup> that implies that only the *shin* on the outside of the head Tefillin is *Halacha LeMoshe MiSinai*.

It would seem from Rashi that the knots on the Tefillin are straps are *Halacha LeMoshe MiSinai* and according to Tosfos, only the *shin* on the outside of the head Tefillin is *Halacha LeMoshe MiSinai*.

The Shulchan Aruch<sup>2</sup> writes that the strap of the Tefillin should be inserted in the *maavarta* and one should make a knot in the shape of the letter *dalet* on the head Tefillin and in the shape of the letter *yud* on the arm Tefillin, and these letters along with the letter *shin* on the outside of the head Tefillin will comprise the Holy Name of Hashem which is *Sha-dai*.

The Mishnah Berurah<sup>3</sup> writes that that the knot is a *Halacha LeMoshe MiSinai* and one should not fashion a small knot. There are those who have a custom of fashioning the knot on the head Tefillin in the shape of a later *mem*, but it is preferable to fashion the knot in the shape of the letter *dalet*. Furthermore, the knot should not be fashioned in a manner that it can come loose.

<sup>1</sup> Shabbos 28b

<sup>2</sup> O. C. 32:52

<sup>3</sup> Ibid § 34



The Mishnah Berurah quotes the Eliyahu Rabbah who writes that one should be concerned for the opinion of Rashi that the knots are *Halacha LeMoshe MiSinai*, and there was case where one's Tefillin knot became loose and the Eliyahu Rabbah ruled that he should place the Tefillin again and recite Shema without a brachah.

The Rama<sup>4</sup> rules that first one should fashion the shin on the outside of the head Tefillin and then one should fashion the dalet on the head Tefillin and then one should fashion the yud on the arm Tefillin, as this is the order of the letters in the Holy Name of Hashem.

The Rama is of the opinion that the Holy Name that is spelled out on the Tefillin needs to be written in order, so one should fashion the knots of the head Tefillin and then fashion the knots of the arm Tefillin.

The Mishnah Berurah writes that this is only the preferred manner in which to fashion the knots, but if the knot of the head Tefillin became loose, one is not required to loosen the knot of the arm Tefillin so that the *dalet* be fashioned first and then the letter *yud*.

### ***Tying a Tefillin Knot on Shabbos***

It is common practice for someone to borrow another person's tefillin, when his own are temporarily unavailable. If the tefillin are tied too tight or too loose for his head, he simply loosens the knot, adjusts the straps to fit his head, and then tightens the knot again. When he returns the tefillin to their owner, he readjusts the straps to their original size. However, the Avnei Nezer brings a proof from our sugya that in order to fulfill the mitzva of "Tie them as a sign on your arm, and a *totafos* between your eyes" (Devarim 11:18), one must make a permanent knot.

When the tefillin-knot is tied to be used only once and then untied, it is not a kosher knot, and one does not fulfill the mitzva of tefillin. The Avnei Nezer (O.C. 183) notes that this is a common mistake and "it is a mitzva to publicize the correct halacha."

**Tying the tefillin-knot each day:** The Avnei Nezer's ruling is based on a fundamental machlokes between Rabbeinu Eliyahu and Rabbeinu Tam, two of the authors of Tosefos. R' Eliyahu interpreted the possuk, "Tie them as a sign," to mean that one must tie the tefillin-knot each time he wears tefillin. R' Tam argues, and rules that one need only tie the knot once, and may then slip the tefillin over his arm and head (as is our practice today).

R' Tam cites a proof from our Gemara, wherein we discuss what to do if a person finds tefillin lying in the street in disgrace on Shabbos. Since it is forbidden to carry them without an eiruv, the only way to preserve the sanctity of the tefillin is to tie them to his arm and head, as he would during davening, and wear them home.

What should a person do if he finds a new set of tefillin, whose straps have not been tied in a knot? According to R' Yehuda, one may not tie them on Shabbos, since *koisher* (tying) is one of the 39 melachos. Since it is impossible to wear them without first tying a knot, one has no choice but to leave them in their place.

As we have learned elsewhere, a temporary knot is not a violation of *melechtes koisher*. If R' Eliyahu is correct that one must tie and untie the tefillin each day, then a tefillin-knot is a temporary knot, which is permitted on Shabbos. From here, R' Tam proves that one may tie the tefillin once and leave the knot in place forever. Thus, tefillin knots are permanent knots, which are forbidden on Shabbos.

The Mordechai (Hagahos Mordechai, Chullin ch. 1) rejects this proof. When we say that only a permanent

<sup>4</sup> Ibid

knot is a violation of *melechtes koisher*, we mean to say that the Torah defines a knot as a permanent connection. A temporary connection is not considered a knot at all, by Torah standards. However, in the case of a tefillin, even a temporary connection, which is tied and untied every day, is still considered a knot, since the *possuk* explicitly states, “*U’kshartem* - Tie them” in reference to tefillin. In other words, the mitzva of tefillin lends significance to the temporary knot, that would otherwise remain insignificant. This is true according to R’ Eliyahu’s opinion.

The Avnei Nezer infers from here that according to R’ Tam (whom the halacha follows) this *possuk* refers specifically to a permanent knot, since according to R’ Tam one need only tie the knot once. Therefore, as we said above, one may not borrow tefillin, adjust the straps to fit his head, and then readjust them to return them. This would be considered a temporary knot, which according to R’ Tam is not considered a knot at all.

Two explanations have been offered to counter the Avnei Nezer’s claim, and justify the common practice of adjusting tefillin for temporary use. Firstly, the Avnei Nezer’s argument follows the opinion of the Taz (317), who holds that permanent and temporary knots are defined by a person’s intention when he tied them. However, the Biur Halacha (317:1) rules that in regard to *melechtes koisher* on Shabbos, permanent and temporary knots are not defined by a person’s intention. Rather, they are defined by the type of knot: whether they are generally tied for temporary or permanent use. Thus, if he made the type of knot that is generally tied for permanent use, though his intention was to soon untie it, he is still liable. Tefillin knots are generally tied to be left in place indefinitely. Therefore, even if one intends to soon untie it, it is still considered a permanent knot, both in regard to hilchos Shabbos, and in regard to the tefillin knot being kosher.

The second argument against the Avnei Nezer was suggested by R’ Shmuel Rotte, the rav of the Belzer community in Bnei Brak. He explained that only when the tefillin knot is completely untied and then retied, can we consider it a new knot. However, the common practice is only to loosen the knot slightly in order to pull the straps to the appropriate length. The knot remains in place, and therefore it is considered a permanent knot, which is kosher for tefillin even according to R’ Tam (Shevet HaLevi V, 4).