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Eiruv Daf 80

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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

An objection was raised: How is shittuf in a mavoi effected? A jar of wine, oil, dates, dried figs or any other kind of fruit is brought there. If it is his own he must transfer possession to all the residents;¹ and if it is theirs he must uniform them,² and then one raises it slightly from the ground!³ — By the expression ‘slightly’ also a tefach was meant. (80a)

It was stated: The food for the shittuf of mavois, Rav ruled, requires no transfer of possession, and Shmuel ruled: It does require transfer of possession. As regards the food for an eiruv of Shabbos limits, Rav ruled: Transfer of possession is required and Shmuel ruled: Transfer of possession is not required. Shmuel's view can well be justified, since we have learnt the one and have not learnt the other. What, however, is the justification for Rav's view? — The question of transfer is a point at issue between Tannaim. For Rav Yehudah related in the name of Rav: The daughter-in-law of Rabbi Oshaya was once overtaken by dusk when she went to a bath house and her mother-in-law prepared for her an eiruv. Rabbi Chiya to whom the incident was reported forbade her return. Babylonian, said Rabbi Yishmael son of Rabbi Yosi to him, ‘are you so strict about the laws of eiruv. Thus said my father: Wherever you see an opportunity of relaxing the laws of eiruv seize it’. And when the question was raised: ‘Was the eiruv prepared out of her mother-in-law's food and the reason [for

the prohibition] was that she did not transfer possession to her or was it rather that it was prepared out of her own food and the reason for the prohibition was that it was done without her knowledge?’ One of the Rabbis, whose name was Rabbi Yaakov, told them: ‘It was explained to me by Rabbi Yochanan that the eiruv was prepared out of her mother-in-law's food and that the reason for the prohibition was that she did not transfer possession to her’.⁴

Rabbi Zeira requested Rabbi Yaakov son of Yaakov's daughter: When you arrive in Eretz Yisroel make a detour and travel on the path to Tzor and ask Rabbi Yaakov bar Idi [his version of the incident]. ‘Was the eiruv’, he asked him [in due course], ‘prepared out of her mother-in-law's food and the reason for the prohibition was that she did not transfer possession to her or was it rather that it was prepared out of her own food and the reason for the prohibition was that it was done without her knowledge?’ ‘The eiruv’, the other replied, ‘was prepared out of her mother-in-law's food and the reason for the prohibition was that she did not transfer possession to her’.

Rav Nachman stated: We have a tradition that both in the case of eiruv of Shabbos limits and in that of shittuf of mavois possession must be transferred. Rav Nachman,

¹ So that they may all have a share in it.

² That their joint stock is to be used for shittuf. Since the eiruv of a man who ‘is particular about his share in a joint eiruv’ is invalid, all the residents must have an opportunity of expressing consent or disapproval. Unless they had such all opportunity the shittuf is invalid since it is possible that they would object to allow each other the full benefit of their respective shares.

³ How then is this to be reconciled with Rav Yehudah's ruling that the jar must be raised a full tefach from the ground?

⁴ Thus it has been shown that the question of the necessity for the transfer of possession in the case of an eiruv of Shabbos limits is one in dispute between the Tannaim Rabbi Chiya and Rabbi Yishmael. Rav, by adopting the view of the former, may, therefore, maintain it though it is contrary to a Mishnah. As to his view on shittuf which is contrary to our Mishnah the explanation might be that Rav is regarded as a Tanna who may well differ from a Mishnah.

however, enquired: Is it necessary or not to confer possession in the case of an eiruv of dishes?⁵ — ‘Why’, remarked Rav Yosef, ‘did he ask this question? Did he not hear the ruling laid down by Rav Nachman bar Rav Adda in the name of Shmuel that an eiruv of dishes must be conferred [upon those who are to benefit from it]?’ — ‘It is obvious’, Abaye retorted: ‘that he did not hear it; for had he heard it what was the point of his asking?’ — ‘Didn’t Shmuel rule’, the first replied: ‘that in the case of eiruv of Shabbos limits possession need not be conferred and he nevertheless ruled that possession must be conferred?’⁶ — ‘What a comparison! His ruling may well be justified there, since Rav and Shmuel are at variance on the point and he desired to inform us that we must adopt the restrictions of the one Master as well as those of the other Master, but in this case, seeing that no one disputes Shmuel’s ruling would he, if he had heard it, have asked his question?’⁷
⁸(80a)

A certain armory guard lived in the neighborhood of Rabbi Zeira, and when [the Jewish residents] asked him to let his share to them he refused. They, thereupon, came to Rabbi Zeira and asked him whether it would be permissible to rent it from his wife. ‘Thus’, he replied: ‘said Rish Lakish in the name of a great man, and who is it? — Rabbi Chanina: A wife may prepare all eiruv without her husband’s knowledge’.

⁵ Tavshilin, lit., ‘cooked foodstuffs’. Such an eiruv is prepared when a festival occurs on a Friday to enable those in whose favor it is prepared to cook, light candles and perform all other necessary services for the Shabbos on the festival day. In the absence of such an eiruv no kind of preparatory work for the Shabbos is allowed on a festival day.

⁶ Which shows that in the case of eiruv of Shabbos limits he heard of Shmuel’s view but disregarded it. Is it not then possible that he did hear his view on that of eiruv of dishes also but did not accept it?

⁷ Obviously not. Hence Abaye’s conviction that he could not have heard it.

⁸ [SUMMARY: 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

A certain armory guard lived in the neighborhood of Rav Yehudah bar Oshaya. ‘Will you’, the Jewish residents asked him, ‘let your share to us?’ He refused. They proceeded to Rav Yehudah bar Oshaya and asked him whether it was permissible to rent it from his wife, but he was unable to supply the information. They then proceeded to Rav Masnah who also was unable to supply it. When they finally came to Rav Yehudah he told them, ‘Thus said Shmuel: A wife may prepare an eiruv without her husband’s knowledge’.⁹

An objection was raised: If women prepared an eiruv or arranged *shituf* without their husbands’ knowledge there is no validity either in their eiruv or in their *shituf*.? — This is no difficulty, since one deals with a person who imposes restrictions, while the other deals with one who does not impose restrictions.¹⁰ This explanation may also be supported by a process of reasoning, since a contradiction would otherwise arise between two rulings of Shmuel. For Shmuel ruled: ‘If one of the residents of a *mavoi*, who usually joins the other residents in *shituf* refused to join then, the residents may enter his house and collect his contribution to the *shituf* by force’, [from which it follows that this applies only to] one who usually [joins his neighbors in the *shituf*] but not to one who did not.¹¹ This is conclusive.

when stating how to make an *eiruv techumin*. Rav Nachman says that both *eiruv techumin* and *shituf mevo’os* require acquisition.]

⁹ [SUMMARY: 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.]

¹⁰ One, for instance, whose courtyard was situated between the *mavoi* under discussion and another *mavoi* and who was in the habit of using the latter and not the former. In such circumstances no restrictions are imposed on the *mavoi* in question.

¹¹ If, therefore, a distinction is drawn between a resident who imposes restrictions and one who does not, this ruling of Shmuel may well be reconciled with the one cited in his name by Rav Yehudah. If, however, no such distinction is drawn and no emphasis is laid on ‘usually joins’, a contradiction would arise between the two rulings of Shmuel himself.



May it be suggested that the following provides support to his view:¹² A resident may be compelled to provide a lechi and a korah for a mavoi? — The case may be different there where no partitions are in existence.¹³ [Another reading: From the side is different.] (80a – 80b)

It was stated: Rav Chiya bar Ashi ruled: A lechi may be made from an asheirah, but Rabbi Shimon ben Lakish ruled: A crossbeam may be made from an asheirah. He who permitted a korah¹⁴ would, with much more reason, permit a lechi;¹⁵ but he who permitted a lechi would not permit a korah, since its prescribed size¹⁶ is virtually crushed¹⁷ to dust.^{18 19}(80b)

MISHNAH: If the food was reduced²⁰ [one of the residents] must add to it²¹ and again confer possession [upon the others] but²² there is no need to inform them. If the number of residents has increased, he must add food and confer possession [upon them], and²³ they must be informed of the facts.²⁴ What is the quantity required? When the residents are many there should be food sufficient for two meals for all of them and when they are few there should be food of the size of a dried fig for each one. Rabbi Yosi ruled: this applies

¹² That coercion may be used in the matter of shittuf.

¹³ In the absence of lechi or korah the mavoi remains exposed to the public domain and all movement of objects within it is strictly forbidden. In order to liberate the residents from such serious inconvenience it may well have been ordered that they may coerce any recalcitrant neighbor. In the case of shittuf, however, the purpose of which is merely to provide the residents with the added convenience of carrying objects into the mavoi from their houses and courtyards, it may well be maintained that no one may be coerced to join if he refuses to do so.

¹⁴ Though its size must conform to a prescribed minimum.

¹⁵ The size of whose width and thickness has not been prescribed.

¹⁶ It must be a handbreadth wide and strong enough to carry the weight of an ariach or half a brick.

¹⁷ As all object of idolatry that must be buried.

¹⁸ Being legally non-existent it cannot be used as a korah.

¹⁹ [SUMMARY: 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.]

only to the beginnings of the *eiruv*²⁵ but in the case of the remnants of one²⁶ even the smallest quantity of food is sufficient,²⁷ the sole reason for the injunction to provide *eiruv*s for courtyards being that [the law of *eiruv*] shall not be forgotten by the children.²⁸ (80b)

GEMARA: What are we dealing with?²⁹ If it be suggested: With the same kind,³⁰ what point was there in speaking of an *eiruv* that ‘was reduced’ seeing that the same law applies even if nothing of it remained? If the reference, however, is to two kinds,³¹ the same law should apply, should it not, even if the food had only been reduced, since it was taught: If nothing of the food remained there is no need to inform, the residents if the new *eiruv* is prepared of the same kind, but if it is of a different kind it is necessary to inform them? If you prefer I might reply: The reference is to an addition of the same kind, and if you prefer I might reply: Of a different kind. ‘If you prefer I might reply: The reference is to an addition of the same kind’, and as to ‘was reduced’ it means it was reduced to atoms. ‘And if you prefer I might reply: Of a different kind’ since the case where ‘nothing of the food

²⁰ To less than the minimum prescribed.

²¹ To bring it up to the required quantity.

²² Since they once expressed their consent when they first joined in the *eiruv*.

²³ If the food belonged to all the residents where, for instance, they had a joint stock.

²⁴ So that they may have an opportunity of expressing approval or dissent.

²⁵ When it was first prepared.

²⁶ Sc. if the *eiruv* consisted originally of the prescribed quantity but was subsequently reduced.

²⁷ Contrary to the opinion of the first Tanna, Rabbi Yosi holds that the main institution of *eiruv* is that of Shabbos limits.

²⁸ The rising generation. As this is the sole reason of its institution its regulations are in every way to be relaxed.

²⁹ In the ruling that IF THE FOOD . . . WAS REDUCED . . . THERE IS NO NEED TO INFORM THEM, from which it follows that if nothing of the food remained the residents must be informed if a new *eiruv* is prepared on their behalf.

³⁰ Sc. that the addition to the *eiruv* is made from the same kind of food as that of the original.

³¹ Sc. that the addition is made from a food that is different from the original.



remained' is different [from that where the food was only reduced].³² (80b)

If the number of residents has increased, he must add food and confer possession [upon them] etc. Said Rav Shizbi in the name of Rav Chisda: This implies that Rabbi Yehudah's colleagues differ from him, for we learned: Rabbi Yehudah ruled: This applies only to eiruv of Shabbos limits³³ but in the case of eiruv of courtyards one may be prepared for a person whether he is aware of it or not.³⁴ Is it not quite obvious that they differ? — It might have been presumed that [our Mishnah] refers to the case of a courtyard between two mavoi³⁵ but not to that of a courtyard in one mavoi;³⁶ hence we were informed [that it refers to the latter case also]. (80b)

What is the quantity required? etc. What number of residents is regarded as 'many'? — Rav Yehudah citing Shmuel replied: Eighteen men. Only 'eighteen' and no more? — Say: From eighteen and upwards. But why was just the number eighteen selected? Rav Yitzchak son of Rav Yehudah replied: It was explained to me by my father that wherever the food for two meals, if divided between them, would not suffice to provide for each as much as the size of a dried fig,³⁷ the residents are regarded as 'many' and a quantity of food [for two meals only suffices, otherwise they are regarded as 'few';³⁸ and that we were indirectly informed that food for two meals consists of a quantity that is equal to the size of eighteen dried figs. (80b)

³² While in the former case, if two kinds of food are involved, the residents, as laid down in the Baraisa, must be informed, in the latter case they, as stated in our Mishnah, need not be informed.

³³ Since the eiruv might be deposited in a direction away from that towards which the man for whom it is prepared desired to go, it is quite proper that his desire be ascertained before a step is taken that might be disadvantageous to him.

³⁴ I.e., even without his consent. This it has been shown that Rabbi Yehudah and the authors of our Mishnah differ.

³⁵ Unless the person is informed with which mavoi the eiruv is being prepared for him it cannot be known whether he prefers

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

The Sages decreed that in order to carry in a mavoiway 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 mavoi, at least one *tefach* wide. In the beginning of our masechta, the Gemara discusses how the *lechi* and *korah* serve to

to join with that mavoi or with the other. Hence the justification of the ruling.

³⁶ In which case, since the person has no alternative, it might have been presumed that the Rabbis of our Mishnah agree with Rabbi Yehudah that the person need not be informed.

³⁷ Sc. if the number of the residents is eighteen or more. The food for two meals is equal in size to that of eighteen dried figs and when it is actually broken up into eighteen portions each is naturally slightly less than the size of a fig.

³⁸ And it is sufficient if each one contributes food of a size of a dried fig, though the total of the contributions this amounts to less than two meals.

permit carrying in the mavoi. The Gemara concludes that the *lechi* serves as a *mechitza*, a makeshift “wall” of sorts, which closes off the mavoi. A *korah* serves as a sign to remind people not to carry from the mavoiway 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 *posuk* 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.