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Eiruv Daf 100

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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

If its roots are high above the ground etc. It was stated: If the roots of a tree descended from a level that was above three tefachim into one that was lower than three tefachim,¹ Rabbah ruled: It is permitted to use them, while Rav Sheishes ruled: It is forbidden to use them. ‘Rabbah ruled: It is permitted to use them’, since all levels lower than three tefachim from the ground are regarded as the ground itself.² ‘Rav Sheishes ruled: It is forbidden to use them’, because, owing to the fact that they derive from a forbidden source, they themselves are also forbidden. If they are in the shape of a mountain peak,³ those that grow upwards⁴ are forbidden,⁵ those that grow downwards are permitted,⁶ while as to those that grow sideways⁷ a difference of opinion exists between Rabbah and Rav Sheishes;⁸ and the same applies to a ditch⁹ and a corner.¹⁰

Abaye had a certain palm-tree that projected through the sky-light¹¹ and when he came to Rav Yosef the latter permitted it to him.¹² Rav Acha bar Tachlifa observed: In permitting its use to you he acted in accordance with Rabbah's view.¹³ Isn't this obvious?- It might have been presumed that even according to the view of Rav Sheishes a house is regarded as full and that one may, therefore, use a tree within less than three tefachim from the roof, hence we were informed [that the decision was given only in accordance with the view of Rabbah].

We learned: If its roots are three tefachim high above the ground one may not sit on them. Now how are we to imagine the circumstances? If they did not

¹ Sc. they began to bend downwards after they had grown to a high above three tefachim from the ground.

² As one may use the ground so may one use the roots within the three tefachim level.

³ The roots grew upwards and then bent downwards in the shape of a sloping hill, smaller roots branching out of the bigger ones.

⁴ From a section of a root that was higher than three tefachim from the ground.

⁵ Even according to the view of Rabbah, since those roots and source are in a forbidden level.

⁶ Even by Rav Sheishes, since roots as well as source are below three tefachim from the ground.

⁷ Sc. they branch out from a root section that was above the three tefachim level and bend downwards within that level.

⁸ According to Rabbah, their use is permitted since they are bent downwards and reached the low level which is regarded as the ground itself; while according to Rav Sheishes they are forbidden on account of their source which is within the forbidden level.

⁹ In which grew a tree, two of whose sides were embedded in the sides of the dike. According to Rabbah the use of the roots that were within

three tefachim from the top of the dike is permitted while according to Rav Sheishes, since they grew from a level which is above three tefachim from the bottom of the ditch, they are forbidden.

¹⁰ Formed by two walls that enclosed the three sides of a tree whose height reached to within three tefachim above the walls. According to Rabbah the portion of the tree above the walls may be used since its lower section on those sides is covered by the walls and the part projecting above them is within three tefachim from their tops. According to Rav Sheishes, however, since their source in the exposed side of the tree is above three tefachim from the ground, this is forbidden. In the case of a tree one of whose sides only adjoins a wall while its other sides remained exposed even Rabbah, it may be added, agrees that its use is forbidden.

¹¹ But not above three tefachim from the roof.

¹² Because none of the sides of the tree protected above three tefachim from the roof of the house.

¹³ That the source is disregarded. According to Rav Sheishes, since the use of the lower section of the tree within the house, which is obviously higher than three tefachim from the floor, is forbidden, the use of the section above the roof which grows from it is equally forbidden.

subsequently bend downwards, isn't this obvious? This must consequently be a case, must it not, where they subsequently bent downwards?¹⁴ — No, the fact is that they did not subsequently bend downwards, but it is this that we were informed: Even though [on] one of its sides [they were] level with the ground.¹⁵ (100a)

Our Rabbis taught: If the roots of a tree were three tefachim high above the ground, or if there was a hollow space of three tefachim beneath them, one must not sit on them even though on one side of the tree they were level with the ground, because it is not permissible either to climb upon a tree or to suspend oneself from a tree or to recline on a tree; nor may one climb upon a tree while it is yet day to remain there all the Shabbos day, the law being the same in the case of a tree and in that of any cattle. In the case of a cistern, a ditch, a cave or a wall one may climb up or climb down even if they were a hundred amos [deep or high].¹⁶

One Baraisa teaches: If a man climbed up [a tree] he may climb down. But doesn't another Baraisa teach that he is forbidden to climb down? — This is no difficulty since the former refers to one who climbed up while it was yet day while the latter refers to one who did it after dusk. If you prefer I might reply: Both refer to all ascent after dusk and yet there is no difficulty, since the one refers to an unwitting act while the other refers to an intentional one. If you prefer I might say: Both refer to an unwitting act, but the principle underlying their divergence of view is the question whether a penalty has been imposed in respect of an unwitting act as a

precaution against the performance of an intentional act. One Master is of the opinion that such a penalty has been imposed while the other Master holds that no such penalty has been imposed.

Rav Huna son of Rav Yehoshua observed: This is similar in principle to the dispute between the following Tannaim: If the blood of sacrifices of which one sprinkling only is necessary was intermingled with the blood of other sacrifices of which one sprinkling is necessary, each is to be sprinkled once. If blood of which four sprinklings are necessary was intermingled with other blood of which four sprinklings were necessary, each is to be sprinkled four times. If that which has to be sprinkled four times was intermingled with that which has to be sprinkled once, Rabbi Eliezer ruled: Each must be sprinkled four times,¹⁷ and Rabbi Yehoshua ruled: Each must be sprinkled only once.¹⁸ 'Does he not', said Rabbi Eliezer to him, 'thereby transgress the law against diminishing from the mitzvos?'

'Does he not thereby', replied Rabbi Yehoshua. 'transgress the prohibition against adding to the mitzvos?' 'This', Rabbi Eliezer retorted: 'applies only where it¹⁹ is in an isolated condition'.²⁰ 'The prohibition against diminishing from the mitzvos also', said Rabbi Yehoshua to him, 'applies only when it is in an isolated condition'. Rabbi Yehoshua, furthermore, explained: If you sprinkle²¹ you transgress the prohibition against adding to the mitzvos and you also perform the act with your own hand, but if you do not sprinkle you transgress indeed the prohibition against diminishing from the

¹⁴ And yet it is forbidden to sit on them; an objection against Rabbah.

¹⁵ Rabbah maintains his view only where more than one side was on a level with, or within three tefachim front the ground.

¹⁶ The prohibition to climb up or down a tree on the Shabbos is not title to the trouble or effort involved in the process but to a preventive measure against the possibility of intentional plucking of a growing plant, which is one of the acts of work forbidden on the Shabbos.

¹⁷ The superfluous sprinklings in the case of the latter being regarded as those of mere water that can in no way affect the prescribed number.

¹⁸ Any additional sprinklings would, in the case of the latter, constitute an infringement of the Biblical prohibition against adding to the mitzvos.

¹⁹ The blood.

²⁰ But not when it is mixed with blood that requires four sprinklings.

²¹ More than you should.

mitzvos but you do not perform any act with your own hand'. Now, according to Rabbi Eliezer who laid down there that the performance of an uncertain mitzvah is preferable, the man may here also climb down,²² while according to Rabbi Yehoshua who held there that the abstention from the performance of an uncertain mitzvah is preferable, the man here also may not climb down.²³ This argument, however, might be mistaken, since Rabbi Eliezer may have maintained his view, that the performance of an uncertain mitzvah is preferable only there where a positive mitzvah is thereby performed, but here, where no positive mitzvah is performed he may also agree that the man must not climb

down. Alternatively, Rabbi Yehoshua may have maintained his view, that the abstention from the performance of an uncertain mitzvah is preferable only there where no direct transgression is committed, but here where a direct transgression is committed²⁴ he may also agree that the man may climb down! (100a – 100b)

One [Baraisa] taught, 'The same prohibition²⁵ applies to a green tree and to a dry tree'; and another [Baraisa] taught: 'This prohibition applies only to a green tree whereas in the case of a dry one²⁶ no prohibition exists!' — Rav Yehudah replied: This is no difficulty, since the former refers to a tree whose stump grows afresh whereas the latter refers to one whose stump does not grow afresh. But if its stump 'grows afresh', would you

describe it as 'dry'? — Rather say: There is no difficulty since the latter refers to the hot season²⁷ whereas the former refers to the rainy season. [You say] in the hot season? Surely the fruit falls off?²⁸ — This is a case where it bore no fruit. But do not some chips fall off? — This is a case where the tree was stripped. But, surely, this cannot be right? For didn't Rav once visit Afsatia where he forbade the use of a stripped tree? — Rav found an open field and put up a fence round it.²⁹ (100b)

Rami bar Chama, citing Rav Assi, ruled: A man is forbidden to walk on grass on the Shabbos, because it is said in Scripture: And he that acts impetuously with his feet is a sinner. One [Baraisa] taught: It is permitted to walk on grass on the Shabbos; and another [Baraisa] taught that this was forbidden! — This is no difficulty. Since the latter refers to fresh grass whereas the former refers to dry grass.³⁰ And if you prefer I might say: Both [Baraisos] refer to fresh grass, and yet there is no difficulty since the latter refers to the hot season³¹ whereas the former refers to the rainy season. And if you prefer I might reply: Both deal with the hot season, and yet there is no difficulty, since the former deals with a person who wears his shoes whereas the latter deals with one who is barefooted.³² And if you prefer I might reply: Both deal with a person who wears his shoes, but there is no difficulty since the latter refers to shoes that have nails whereas the former refers to such as have no nails. And if you prefer I might reply: Both deal with shoes that have nails, but the latter refers to long and

²² By doing this he escapes the prohibition against his continued use of the tree.

²³ Since by remaining on the tree he performs no new act.

²⁴ While the man remains on the tree he is transgressing the prohibition against its use on the Shabbos.

²⁵ Against the use of a tree on the Shabbos.

²⁶ Which no longer draws its nurture from the ground and which may, therefore, be regarded as detached from it.

²⁷ When it is quite impossible to mistake a dry tree for a green one.

²⁸ When one climbs upon the tree. Why then wasn't the use of a dry tree forbidden as a preventive measure against the possibility of actual plucking?

²⁹ The people of that place were lax in their religious observance (morally exposed like an 'open field') and Rav imposed upon them additional restrictions in order to keep them away thereby from further transgressions.

³⁰ Which is regarded as detached since it no longer draws any nurture from the ground.

³¹ When the grass contains seeds that are dislodged by the walker's feet.

³² Who cannot help tearing out the grass that gets entangled in one's toes.

tangled grass whereas the former refers to one that is not tangled. Nowadays, however, since we have it as an established rule that the law is in agreement with Rabbi Shimon,³³ it is permitted to walk on grass] in all the cases mentioned.³⁴ (100b)

Rami bar Chama citing Rav Assi further ruled: A man is forbidden to compel his wife to marital relations, since it is said in Scripture: And he that acts impetuously with his feet is a sinner. Rabbi Yehoshua ben Levi similarly stated: Whosoever compels his wife to marital relations will have unworthy children. Said Rav Ikka bar Chinena: What is the Scriptural proof? 'Also without consent³⁵ the soul³⁶ is not good.' So it was also taught: Also without consent the soul is not good, refers to a man who compels his wife to marital relations. And he that acts impetuously with his feet is a sinner refers to the man who has intercourse twice in succession. But, surely, this cannot be right! For didn't Rava state, 'He who desires all his children to be males should cohabit twice in succession'? — This is no difficulty, since the latter deals with the woman's] consent; whereas the former, without her consent.

Rabbi Shmuel bar Nachmani citing Rabbi Yochanan stated: A woman who solicits her husband to marital relations will have children the like of whom did not exist even in the generation of Moshe. For of the generation of Moshe it is written: Get you from each one of your tribes, wise men and understanding, and full of knowledge, and then it follows: So I took the heads of your tribes, wise men and full of knowledge, while men of 'understanding' he could not find, whereas in the case of Leah it is written in Scripture,

'And Leah went out to meet him, and said: You must come to me, for I have surely hired you,' and subsequently it is written, 'And of the children of Yissachar, men that had understanding of the times, to know what Israel ought to do, the heads of them were two hundred, and all their brethren were at their commandment.' But can that be right? seeing that Rav Yitzchak bar Avdimi stated: Eve was cursed with ten curses, since it is written: Unto the woman He said, and I will greatly multiply, which refers to the two drops of blood, one being that of menstruation and the other that of virginity, 'your pain' refers to the pain of bringing up children, 'and your travail' refers to the pain of conceptions 'in pain you shall bring forth children' is to be understood in its literal meaning, 'and your desire shall be to your husband' teaches that a woman yearns for her husband when he is about to set out on a journey, 'and he shall rule over her' teaches that while the wife solicits with her heart the husband does so with his mouth, this being a fine trait of character among women? — What was meant is that she ingratiates herself with him. But are not these only seven? When Rav Dimi came he explained: She is wrapped up like a mourner, banished from the company of all men and confined within a prison. What is meant by 'banished from the company of all men'? If it be suggested: That she is forbidden to meet a man in privacy, isn't the man also, it could be retorted, forbidden to meet a woman in privacy? — The meaning rather is that she is forbidden to marry two men.

In a Baraisa it was taught: She grows long hair like Lilith,³⁷ sits when urinating like an animal, and serves as a bolster for her husband. And the other?³⁸ — These, he

³³ That it is permitted to perform an act though, as a result, an unintended forbidden one also is thereby performed.

³⁴ Lit., 'all of them are permitted'. As the act of walking is permissible on the Shabbos it cannot be forbidden even where it results in the unintentional act of tearing up the grass which when intentional is forbidden on the Shabbos.

³⁵ Lit., 'knowledge', sc. the acquiescence of one's wife to the performance of her marital duty. This verse is the introduction to the second part, 'And he that acts impetuously with his feet is a sinner, quoted and expounded above.

³⁶ Sc. each of the children born from such a union.

³⁷ A notorious female night demon.

³⁸ Why does he not include these curses among those he enumerated.



holds, are rather complimentary to her, Rabbi Chiya having made the following statement: What is meant by the Scriptural text: Who teaches us by the animals of the earth and makes us wise by the fowls of the heaven? 'Who teaches us by the animals' refers to the mule which kneels when it urinates, 'and makes us wise by the fowls of the heaven' refers to the cock which first coaxes and then mates.

Rabbi Yochanan observed: If the Torah had not been given we could have learnt modesty from the cat, honesty from the ant, chastity from the dove, and good manners from the cock who first coaxes and then mates. And how does he coax his mate? — Rav Yehudah citing Rav replied. He tells her this: 'I will buy you a cloak that will reach to your feet'. After the event he tells her, 'May the cat tear off my crest if I have any money and do not buy you one'. (100b)

INSIGHTS TO THE DAF

Walking on Grass on Shabbos

Our Gemora concludes that it is permitted to walk on grass in any condition on Shabbos. This seems to be because it is unclear whether or not grass will be torn out of the ground by walking across the field.

What is the law if grass will certainly be torn out, but one does not care about this happening or benefit from it in any way? This is the classic argument among the Rishonim and Acharonim regarding "Psik reisha d'lo nicha ley," loosely translated as doing an act which will certainly cause a Melachah to be done, but one has no interest that the Melacha occur. The Aruch, quoted in Tosfos in Shabbos (103a, DH "Lo tzericha") famously says that this is permitted. However, Tosfos and most Rishonim seem to argue on the Aruch. This is noted by the Mishnah Berurah in a few places (i.e. 336:27).

The Smag says something that at first glance seems incredible. He says that it is forbidden to climb trees on Shabbos because we are scared one might pull out part of the tree, as evident from our Gemora which says one cannot walk on grass on Shabbos. This is difficult to understand, the Biur Halachah (336) asks, as our Gemora concludes it is permitted to walk on grass. The Biur Halachah notes that others give answers, but he is not satisfied with their answers. He therefore thinks that the Smag is quoting Rami bar Aba, who also said at the beginning of our Gemora that one cannot walk on grass on Shabbos. As he is an Amora, he must have been saying this according to the conclusion of the Gemora. How can this be? It must be that he is discussing a case where the grass will certainly be pulled out of the ground. In such a case it is indeed forbidden (seemingly only in accordance with the opinion of those who argue with the Aruch).