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Eiruvin Daf 81

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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*. (80b)

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.

Abaye raised an objection against him: With all [kinds of bread] may an *eiruv* of courtyards be prepared and with all [kinds of food] may a *shittuf* of mavois be effected, the ruling that an *eiruv* must be prepared with bread being applicable to that of a courtyard alone. Now who is it that was heard to rule that only bread is admissible but no other foodstuff? Rabbi Yehoshua, of course; and yet was it not stated: 'With all'?<sup>1</sup>

Rather, Rabbah bar Bar Chanah explains that when an earlier braisa said an *eiruv* can be done "with all," it was coming to

<sup>1</sup> Which shows that the expression 'with all' might imply all kinds of bread and not necessarily all kinds of foodstuffs. Now since our *Mishnah* might be interpreted so as to yield the same rulings as this Baraisa, what proof is there that WITH ALL bears the latter meaning and the ruling is contrary to the view of Rabbi Yehoshua seeing that it might equally bear the former meaning and be in agreement with Rabbi Yehoshua?

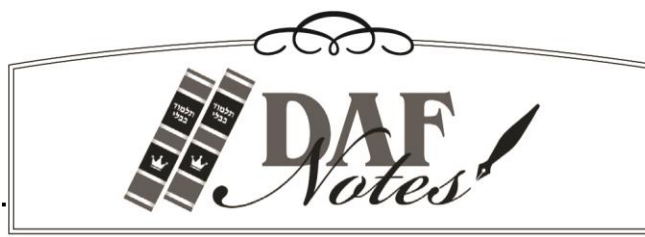
exclude Rabbi Yehoshua's opinion in our *Mishna* that only a whole loaf of bread must be used, but not a broken piece, hence we were informed [that an *eiruv* may be prepared] with all [kinds of food]. But why shouldn't a slice of a loaf be admissible? — Rabbi Yosi ben Shaul citing Rebbe replied: On account of possible ill-feeling.<sup>2</sup>

Said Rav Acha son of Rava to Rav Ashi: What then is the law, where all the residents contributed slices [of bread to their *eiruv*] — He replied: There may be a recurrence of the trouble.<sup>3</sup>

Rabbi Yochanan ben Shaul said: If no more than the prescribed quantity of the challah portion or the portion to be removed from a mixture of terumah and unconsecrated produce was broken off a loaf, an *eiruv* may be prepared with it. But was it not taught: If no more than the portion to be removed from a mixture of terumah and unconsecrated produce was broken off a loaf, an *eiruv* may be prepared with it, but if the prescribed quantity of the challah portion had been removed from it no *eiruv* may be prepared with it? — This is no contradiction, since the former relates to the challah portion of a baker while the latter deals with the challah portion of a private householder. For we learned: The prescribed measure for the challah portion is one twenty-fourth of the dough; and whether one prepares it for himself or for his son's wedding-feast it must always be one twenty-

<sup>2</sup> Were one neighbor to be allowed to contribute a slice of bread while another contributed a whole loaf disputes might arise and ill-feeling would be engendered.

<sup>3</sup> Were slices to be allowed in such a case people might begin to contribute slices even where their neighbors contributed whole loaves and again ill-feeling would arise. Never, therefore, must a slice be contributed to an *eiruv*.



fourth part. If a baker prepares it for sale in the market and so also if a woman prepares it for sale in the market it need only be one forty-eighth.

Rav Chisda said: if a bread falls apart but is reconnected with a toothpick, it may be valid to be used for an *eiruv*. 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. (81a)

Rabbi Zeira citing Shmuel ruled: An *eiruv* may be prepared with rice bread or with millet bread. Mar Ukva observed: The Master Shmuel explained to me that an *eiruv* may be prepared with rice bread but not with millet bread.

Rav Chiya bar Avin citing Rav ruled: An *eiruv* may be prepared with bread of lentils. But this, surely, cannot [be correct]? For wasn't some bread of this kind prepared in the time of Shmuel and he did not eat it but threw it to his dog? — That bread was prepared from a mixture of several kinds, for so it is also written: And you, take for yourself wheat, and barley, and beans, and lentils, and millet, and spelt etc. Rav Pappa replied: That bread was baked with human feces, for it is written: And you shall bake it with feces that comes out of man, in their sight.

What [is the significance of ‘barley’ in the clause] And you shall eat it as barley cakes? — Rav Chisda explained: In rations. Rav Pappa explained: Its preparation shall be in the manner of barley bread and not in that of wheat bread. (81a)

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*). (81a – 81b)

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. (81b)

Though they agree that in the case of all other men etc. Who is meant by 'all other'? — Rav replied: A householder. Shmuel also replied: A householder. For Shmuel stated: This was learnt only in respect of a baker but a householder does acquire possession.

Shmuel further stated: This was learnt only in respect of a ma'ah but all object acquires possession.

Shmuel further stated: This was learnt only in the case where the resident said to him, 'Acquire for me', but where he said

<sup>4</sup> The principle underlying the permissibility of the use of a mavoi by means of a korah or a lechi.

'Prepare an eiruv for me' he has thereby appointed him as his agent and he acquires, therefore, [his share]. (81b)

Rabbi Yehudah ruled: this applies only etc. Rav Yehudah citing Shmuel stated: The halachah is in agreement with Rabbi Yehudah and, furthermore, wherever Rabbi Yehudah taught a law concerning eiruv the halachah is in agreement with him. Said Rav Chana of Bagdad to Rav Yehudah: Did Shmuel say this even in respect of a mavoi whose korah or lechi has been removed? 'Concerning eiruv', the other replied, did I tell you; but not concerning partitions.<sup>4</sup> [Since,] said Rav Ashi son of Rava to Rav Ashi, [it has been said,] 'The halachah [is in agreement with Rabbi Yehudah]' it must be implied that [the Rabbis] are at variance on the point, but didn't Rabbi Yehoshua ben Levi in fact lay down that whenever Rabbi Yehudah stated in a Mishnah, "When' or 'This applies', his intention was only to introduce an explanation of the words of the Sages? — But do they not differ? Have we not in fact learnt: 'If the number of residents has increased he must add food and confer possession upon them, and they must be informed of the fact'? — There it is a case of a courtyard between two mavois.<sup>5</sup> But didn't Rav Shizbi state in the name of Rav Chisda: 'This implies that Rabbi Yehudah's colleagues differ from him'? — The other replied: You are pointing out a contradiction between the views of two men! One may hold the opinion that they differ, while the other may maintain that they do not differ. (81b – 82a)

## 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

<sup>5</sup> Where, unless the person concerned is duly informed of the facts, it cannot be known for certain with which of the two courtyards he desires to be associated in the eiruv.



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).