



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

### Eirubin Daf Lamed Beis

- **R' Sheishes** brings a proof that there is a chazakah that a shaliach follows what he is instructed to do, and we can rely on it even for a D'Oraisa. A Mishna says that when the Korbon Omer is brought (on the second day of Pesach), the new grains may be eaten. One who is not at the Beis Hamikdash to know when the korbon is brought may begin eating the new grains from chatzos on that day (at midday). The issur of eating the new grains is D'Oraisa and we see that one may rely on the chazakah that by chatzos the Kohanim have already brought the korbon!
  - **R' Nachman** says, the reason we can rely there is stated in the Mishna as being because Beis Din is on top of the Kohanim making sure the korbon is brought in a timely manner. However, in a typical case one could not rely on the chazakah for purposes of a D'Oraisa.
  - **Another version** of this proof is that it is brought by **R' Nachman**. The Mishna tells us the reason one can eat the new grain at midday is because Beis Din is on top of the Kohanim. It would seem that in a typical case the chazakah cannot be relied upon for a D'Oraisa!
    - **R' Sheishes** says, the Mishna gives the reason of "Beis Din" to explain why it is allowed at midday. The chazakah associated with a typical shaliach would not have allowed one to eat the new grain until the end of the day.
- **R' Sheishes** brings another proof. A Braisa says that a woman who needs to bring korbanos before she is allowed to eat kodashim (e.g. she gave birth) may place money for the korbon in a designated box and eat kodashim that evening, although she did not see the Kohen bring the korbon for her. It must be because we rely on the chazakah that the Kohen will follow instructions!
  - **R' Nachman** says, that case is different because a Beis Din of Kohanim stand there and make sure all deposited money has been used and all korbanos have been brought.
- **R' Sheishes** brings another proof. A Braisa says: "if Reuven tells Shimon, "Take some figs from my fig tree", he may eat from them "arai" (as an informal snack) without giving ma'aser, but must give full ma'aser before eating as a meal (ma'aser has certainly not been given because Reuven has no idea how many figs were even taken). If Reuven had told Shimon, "Take this basket and fill it with figs from my field for yourself", then when eating in a meal he must give ma'aser as demai (it is uncertain if ma'aser has been given yet). This is all true when Reuven is an "ahm ha'aretz". If Reuven is a "chaver", then **Rebbi** says, Shimon does not have to give ma'aser and **R' Shimon ben Gamliel** says, Shimon must give ma'aser before eating because a "chaver" would not give ma'aser for those figs from someplace else (since that typically should not be done). **Rebbi** says, the "chaver" would rather do that than be the cause of someone eating fruit which has not had ma'aser taken from it." They only argue whether a chaver would give ma'aser from someplace else, but all agree that we can otherwise rely on the chaver to take ma'aser!
  - **R' Nachman** says, in that case we rely on a different chazakah, like **R' Chanina Choza'ah** says, that there is a chazakah that a chaver will not give anything to someone else if ma'aser still needs to be taken from it.
  - **Q:** The Braisa said, "This is all true when Reuven is an "ahm ha'aretz". If Reuven is a "chaver", then **Rebbi** says, Shimon does not have to give ma'aser". In the case where Reuven is an "ahm ha'aretz", what is Shimon? If he is also an "ahm ha'aretz", he will not listen when told to give ma'aser as demai, since he himself is an ahm ha'aretz!? If Shimon is a chaver, the next part of the Braisa doesn't make sense, where **Rebbi** says the chaver would sooner give ma'aser from another place than give to an ahm ha'aretz without first taking ma'aser. Shimon is NOT an ahm ha'aretz!? **A:** **Ravina** says, the first part of the Braisa is discussing where Reuven is an ahm ha'aretz and Shimon is a chaver,

and the next part of the Braisa is discussing where Reuven is a chaver, Shimon is an ahm ha'aretz, and Levi, who is a chaver, heard what Reuven said to Shimon. In that case, **Rebbi** says that Levi does not have to give ma'aser (Reuven would rather do a small improper thing than have someone eat without ma'aser having been taken) and **R' Shimon ben Gamliel** says that he must (Reuven would rather have someone else do an even bigger aveirah, than he himself do a smaller aveirah).

#### MISHNA

- If one places an eiruv in a tree, if it is placed higher than 10 tefachim it is not effective. If it is lower than 10 tefachim, it is effective.
- If an eiruv is placed in a pit, even 100 amos down, it is an effective eiruv.

#### GEMARA

- **Q:** Where is this tree standing? If it is in a reshus hayachid, nothing should change at a height of 10 tefachim!? If it is in the reshus harabim, if he intended to make his "dwelling" above 10 tefachim, then he and the eiruv are in the same reshus, and it is not a problem!? It must be that he intended to make his "dwelling" at the base of the tree. If so, how is it a good eiruv if it was placed below 10 tefachim? He is using the tree, which is assur to do on Shabbos!? **A:** The Mishna follows **Rebbi**, who says that anything which is a gezeirah D'Rabanan to do on Shabbos is allowed to be done bein hashmashos. Therefore, bein hashmashos he can use the tree and the eiruv is effective at that time.
- **Rava** says, the eiruv being above 10 tefachim is not problematic if the tree is within the city limits, because we view the entire city as being filled with earth to 10 tefachim, thereby making it into a reshus hayachid.
  - **Q: Rava** says that a person is allowed an area of 4 amos at the place of his eiruv (besides the 2,000 amos). If so, that should also be considered a reshus hayachid and the eiruv high on the tree should not be considered to be in a separate reshus!? **A: R' Yitzchak the son of R' Mesharshiya** says we are discussing a tree where the branch holding the eiruv extends beyond the area of the tree trunk (which is where he intended to set his dwelling).
  - **Q:** Why can't he climb the tree and move the eiruv to the place above the base of the tree (keeping it above 10 tefachim so it never enters the reshus harabim)?! **A:** The branch with the eiruv has a section lower than 10 tefachim that the public uses to adjust their packages and it therefore gets a din of a reshus harabim. When he carries the eiruv over that part of the branch he will be carrying it into a reshus harabim.