



## Daf In Review – Weekly Chazarah

### Maseches Eruvin, Daf טז – Daf לז

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
v'l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf טז-----27-----

#### PEREK BAKOL M'ARVIN – PEREK SHLISHI

##### MISHNA

- One may make an eruv chatzeiros, an eruv techumin, or a shituf muvaos with any food, except for water and salt. One may use the money of ma'aser sheini to buy any food, except for water and salt. One who makes a promise not to benefit from “mazon” (nourishing food) is allowed to have water and salt.
- One may use wine to make an eiruv for a nazir (although he can't drink it). One may use terumah to make an eiruv for a non-Kohen (although he may not eat it). **Sumchos** says one may only make an eruv for a non-Kohen using chullin foods.
- One may make an eruv for a Kohen in a “beis hapras” (a field that was known to have a grave and was plowed over, thereby creating a safek whether some of the bones have been scattered and brought to the surface). **R' Yehuda** says an eiruv may even be made for a Kohen in between the graves, because the **Kohen** can be brought among the graves while he is in a box that has the characteristics which will have it not act as an “ohel” over the meis, but will rather be considered a separate place unto itself.

##### GEMARA

- **R' Yochanan** said, we cannot learn things from general rules, because there may always be exceptions to the rule. Even when the rule lists exceptions, still we cannot learn from the general rule, because it may not have listed ALL the exceptions.
  - **R' Yochanan** said his statement regarding the Mishna which says that “women are patur from all mitzvos which are tied to time and are chayuv in all mitzvos that are not tied to time”. Although that is the general rule, the rule is not absolute, because women are chayuv in the mitzvos of matzah, simcha, and hakhel although they are tied to time, and women are patur from learning Torah, having children and pidyon ha'ben although they are not tied to time! From here we see that we cannot learn from a general rule.
  - **Abaye** or **R' Yirmiya** said, we can see this concept from another Mishna as well. A Mishna says that “anything a zav carries becomes tamei even if he doesn't touch it, but anything that carries a zav is tahor, except for things that are meant to sit on, to lean on, and a person”. We know that there are other exceptions to this rule, because a pommel of a saddle becomes tamei when the zav rides on it even though it is not meant for sitting or leaning! We see that we cannot learn from a general rule even where it lists exceptions.
  - **Ravina** or **R' Nachman** said, we see this concept from our Mishna as well. The Mishna says “one may make an eruv chatzeiros, an eruv techumin, or a shituf muvaos with any food, except water and salt”, yet we know that there are other foods, such as mushrooms, which may also not be used. We see that we cannot learn from a general rule even where it lists exceptions.

##### HAKOL NIKACH B'KESEF MA'ASER...

- **R' Elazar** and **R' Yose bar Chanina** each made the following statement, but one made it in regard to eiruv and one made it in regard to ma'aser sheini: it is only problematic when the water and salt are separate, but if they are combined into saltwater, it is permitted.
  - The one who said this regarding ma'aser (which is D'Oraisa) would surely say that saltwater is ok to use for eiruv. The one who says this regarding eiruv may hold that saltwater may not be purchased with ma'aser sheini money, because ma'aser money must be used to purchase things which fit into certain categories that the Gemara will discuss shortly.

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- **R' Yitzchak** said this statement regarding ma'aser (that the ma'aser money may be used to purchase salt water).
  - **Q:** A Braisa says, **R' Yehuda ben Gadish** said to **R' Eliezer**, “my father would purchase fish brine (similar to saltwater) with ma'aser money”. **R' Eliezer** responded, maybe he would purchase fish brine with pieces of fish inside, because plain brine may not be purchased with ma'aser money. We see from here that even **R' Yehuda ben Gadish**, who is meikel, only allowed the purchase of fish brine, which at least has some fish fats mixed in, and can thus be considered a “fruit” (as will be explained), but even he would seemingly not allow plain saltwater?! **A:** **R' Yosef** answered, **R' Yitzchak** only allows saltwater when it is mixed with oil.
    - **Q:** **Abaye** asked, if it is mixed with oil, then it should be permitted on account of the oil?! **A:** The case is that he paid more money than the value of the oil, and in that way paid for the saltwater as well (“havla'ah”). **R' Yitzchak** is saying that this is allowed to be done with ma'aser money.
    - We find a Braisa that allows “havla'ah” of non-food items when purchasing with ma'aser money: **Ben Bag Bag** says that extra words in the pasuk teach as follows: “babakar” – one may buy an animal with ma'aser money even though part of the money is paying for the non-edible skin; “u'vatzon” – one may buy sheep although money is purchasing the wool (even though, unlike skin, wool could have been removed from the animal before the purchase); “u'vayayin” – one may purchase wine along with its barrel (although it is not attached to the wine, it does preserve it); “u'vasheichar” – one may purchase the “wine” made when adding water to soak the seeds which is then left to ferment (although money is being used to purchase the water that has been added).
    - **R' Yochanan** understood why each word taught a larger chiddush (as explained in each parenthetical in the paragraph, above), but why not just say the larger chiddush and no need to say the smaller ones? **R' Yochanan** explained that if the pasuk would only say “u'vasheichar”, we would say it refers to intoxicating fruits, which is why it may be purchased with ma'aser money; and if it would then only say “u'vayayin”, we would say that the barrel preserves the wine and therefore is allowed, but wool and skin do not and may therefore not be purchased with ma'aser money; that's why the pasuk had to say “u'vatzon”, to teach that ma'aser money may be used even when partially going for the wool. The question is, why do we “babakar”? If one may use the money to purchase wool, surely he may use it to purchase skin!?
- **R' Yehuda ben Gadish** and **R' Eliezer** both allow the purchase of fish with ma'aser money. Some other Tana'im do not.
  - They argue in how to darshen the psukim. The pasuk first says the money may be used to purchase “b'chol asher ti'veh nafshicha” (a general inclusion), then the pasuk limits it to “babakar, u'vatzon, u'vayayin, u'vasheichar”, then the pasuk ends with another generalization of “u'vichol asher tishalcha nafshecha”.
    - **R' Yehuda ben Gadish** and **R' Eliezer** darshen with a “ribui u'mi'et”, which ultimately allows the inclusion of more items and they therefore include even fish. The “me'it” does exclude something: **R' Yehuda** excludes saltwater and **R' Eliezer** excludes even fish brine.
    - The other Tana'im darshen a “klal u'prat”, which is more limiting, and therefore they only include things that (according to one version) are like the specifically listed items in that they are “fruit that comes from a fruit” and is nourished from the ground, or (according to another version) things that come from things that themselves came from the earth at Creation.
      - **Abaye** explains, according to the first version fish would be allowed to be purchased (they are “fruit that come from fruit” – they are fish born to fish, and they are nourished from the ground – they eat the vegetation of the ground).

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According to the second version fish may not be purchased (because they were created from the water at Creation).

### -----Daf ןב--28-----

- **Q:** How can we say that **Abaye** holds that fish are nourished the ground? We find that **Abaye** says that one who eats a non-kosher species of fish transgresses 4 lavim. If fish are nourished from the ground, he should transgress a 5<sup>th</sup> lav that only applies to sheratzim of the ground!? **A:** **Ravina** says, the difference between the 2 versions is whether birds may be bought with ma'aser money. According to the version that whatever is bought must be a "fruit from a fruit" and must nourish from the ground, birds may be purchased. According to the version that it must have been created from the ground, birds cannot be purchased because birds were created from the swamplands.
  - The one that allows the purchase of birds says that in a "klal u'prat u'klal" the second "klal" is predominant. Therefore, in effect we have a "prat u'klal" in which case we include a lot more items, and therefore birds, which are only like the specific examples in 2 ways (a fruit from a fruit and nourishes from the ground) may be included. The one that prohibits purchasing birds says that in a "klal u'prat u'klal" the first "klal" is predominant. Therefore, in effect we have a "klal u'prat", in which case we include less items, and therefore birds, which are only like the specific examples in 2 ways, and not in the 3<sup>rd</sup> way (of having been created from the ground) are not included.
- **R' Yehuda in the name of R' Shmuel bar Shilas in the name of Rav** said, one may make an eiruv using "papuin", "chalaglugos" or "gudgidaniyos", but may not make an eiruv using "chaziz" (grain cut before it was ripe) or "kafniyos" (not mature dates).
  - **Q:** A Braisa says that "gudgidaniyos" should not be eaten by people wanting to have children, and if the "gudgidaniyos" have hardened, they should not be eaten by anybody. How can they be used for an eiruv if they can't be eaten?! **A:** The allowance was for making an eiruv with them when they are soft, by people who are not looking to have children. **A2:** Even one who is looking to have children may use it for an eiruv since it can be eaten by people who are not looking to have children (just as we find that a nazir may make an eiruv using wine). **A3: Rav** allowed using "gudgidaniyos" of Madai, which may be eaten by all.
  - **Q: R' Yehuda in the name of Rav** says that "kashus" and "chaziz" may be used for an eiruv and the bracha of "ha'adamah" is made when eating them!? **A:** Before **Rav** came to Bavel he considered the "chaziz" inedible. When he came to Bavel he saw people eat them and therefore allowed its use as an eiruv.
    - **Q:** We learn from a Braisa that we don't follow one locale in establishing whether something is considered edible!? **A: Rav** allowed using the "chaziz" from a garden, which is eaten by all.
    - **R' Zeira** asked a boy to repeat what he learned that day. The boy said that on "kashus" one makes a "ha'adama" and on "chaziz" one makes a "shehakol". **R' Zeira** said it should be the other way around because a chaziz grows from the ground and kashus grow on the bark of bushes (it nourishes from the air and attaches itself there)! The Gemara says we pasken like the boy because chaziz are not mature and therefore only get the bracha of shehakol, and kashus do nourish from the ground, as can be proven from the fact that when the bush is cut down, the kashus die.
  - **Q:** A Braisa says: "Hearts of palm may be purchased with ma'aser money but do not become tamei as food, and "kafniyos" may be purchased with ma'aser money and do become tamei as food. **R' Yehuda** says hearts of palm is considered wood in all respects, except that it may be purchased with ma'aser money, and "kafniyos" are a fruit in all respects except that they are patur from ma'aser". We see that kafniyos are food and should therefore be allowed as an eiruv!? **A:** The Braisa is discussing kafniyos of male trees, which remain in the unripe state and are therefore considered to be a food. **Rav** was discussing kafniyos which will mature and are therefore not considered to be food at this stage.
    - **Q:** If so, how could **R' Yehuda** say that they are not chayuv in ma'aser? We find that he says fruit which never fully mature are chayuv in ma'aser in their unripe state!? **A:** The Braisa is referring

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to kafniyos which will mature and are therefore not edible now (and therefore cannot be used as an eiruv). The reason they become tamei as food is because, like **R' Yochanan** said about something else, they can be made edible through cooking.

- **R' Yochanan** said his din on a Braisa which has a machlokes whether large, bitter almonds are chayuv in ma'aser. **R' Yochanan** explained, according to the one who says it is chayuv, the reason is because it can be made edible through cooking.
- **Q: R' Yehuda** is saying the same thing as the **T"K**!? **A: Abaye** said, the **T"K** would say that if the hearts of palm were cooked for a long time or fried, it would get a din of "food". **R' Yehuda** says that it would never get the din of "food" ("it is like wood").
  - **Q: Rava** asks, a Braisa says that even skin gets a din of food if cooked for a long time, so surely all would agree that hearts of palm would get a din of "food"!? **A:** Rather, the difference between the **T"K** and **R' Yehuda** is what bracha to make on it. The **T"K** says a "ha'adama" is made. **R' Yehuda** says a "shehakol" is made (it is "wood").
- We will learn that an eiruv must be made of enough food for 2 meals.
  - **Q:** How much kashus must be used to make an eiruv of kashus? **A:** A handful, like **R' Yechiel** says about something else.
  - **Q:** How much chaziz must be used? **A: Rabbah bar Tuvia bar Yitzchak in the name of Rav** said, like a full bundle made by the farmers.
  - **R' Chilkiyah bar Tuvia** says one may make an eiruv of "kalya" (a stem of a plant which is hard like wood).
    - **Q:** That is not a food!? **A:** He is referring to the greens of this stalk.
      - **Q:** How much must be used? **A: R' Yechiel** says, a handful.
  - **R' Yirmiya** went to the villages and was asked if an eiruv may be made using moist beans. He didn't know the answer. He was later told that **R' Yannai** permitted it. **R' Yechiel** said a handful is needed to use for an eiruv.
- **R' Hamnuna** said one may make an eiruv of raw beets.
  - **Q: R' Chisda** said eating raw beets can kill a person!? **A: R' Chisda** was referring to partially cooked beets.
  - **R' Chisda** said, a dish of cooked beets is healthy for the heart, for the eyes, and certainly for the intestines. **Abaye** said, that is when they have been cooked for a long time.

### -----Daf 29-----

- **Rava** was asked how many apples are needed to use as an eiruv. He replied "May one make an eiruv with apples?"
  - **Q:** A Mishna says that all foods combine for purposes of eiruv, and to become large enough to give off tumah as food. From the fact that the Mishna states these two groupings together it teaches that they are similar, and therefore just as apples give off food tumah they should also combine for eiruv purposes as well!?
    - **Q:** How many apples does one need to make an eiruv? **A: R' Nachman** said, a kav.
      - **Q:** We find that **R' Menashya bar Sheguvli in the name of Rav** says (in regard to a Braisa) that even 5 peaches are enough for an eiruv?! **A:** Peaches are a more significant food than apples and therefore require less for an eiruv.
      - **R' Yosef** said that he told **R' Menashya bar Sheguvli** this statement of **Rav** in regard to a Mishna. The reason it would seem to make more sense that **Rav** said it in regard to that Mishna is because if said on that Mishna, **Rav** would be saying that one needs a half log of wine for an eiruv, and we find that **Rav** says that elsewhere as well.
  - **R' Yosef** thought to say that different foods can combine to reach the 2 meal requirement of an eiruv only when there is a full meal of each food. **Rabbah** said, even if each individual food is only a fraction of the full eiruv, that is good enough.

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- **Q: Rav** was quoted above as requiring 2 revi'is of wine for an eiruv. **R' Shimon ben Elazar** says in a Braisa that one only needs enough wine to dip bread in, enough vinegar to dip meat into, and enough olives and onions as is needed for 2 meals!? **A:** The Braisa is discussing cooked wine which is used for dipping, not drinking.
  - The Braisa said vinegar – enough to use to dip. **R' Gidal in the name of Rav** says, enough to dip 2 full meals of vegetables (where vegetables are the entire meal). **Others** say, enough to dip 2 meals' worth of vegetables when other things are being served.
  - **Q:** The Braisa said, enough olives and onions for 2 meals. We find that **R' Meir** did not allow use of onions for an eiruv?! **A:** Using the onion leaves are problematic because they are inedible. Using the bulb itself is allowed.
    - We find that **Shmuel** says, eating onion leaves are dangerous. If the leaves have grown more than a “zeres”, it is not a problem. **R' Pappa** says, it is not dangerous as long as one drinks beer after eating them.
    - A Braisa says one should not eat onions because they are poisonous. **R' Chanina** once ate half an onion and got very sick. The **Rabanan** davened for him and he recovered.
- **R' Zeira in the name of Shmuel** said, one may use beer for an eiruv, and 3 lugin of beer passul a mikvah.
  - **Q: R' Kahana** asked, why would we think 3 lugin wouldn't passul a mikvah like any other colored water? **A:** This is not called “water”, it is called “beer”, so we would think it would be different.
  - **Q:** How much beer is needed for an eiruv? **A: R' Acha the son of R' Yosef** thought to say that we need 4 times the amount of wine that is needed for an eiruv, because we find that in regard to carrying on Shabbos the minimum amount to be chayuv is 4 times for beer when compared to the minimum amount of wine. The Gemara says this is not so. With regard to carrying it is all about significance. With regard to eiruv, it is about having enough for 2 meals, and one only needs 2 cups of beer for that purpose.
- **Q:** How many dates are needed for an eiruv? **A: R' Yosef** said, a kav. He says we can learn this from figs, which need a kav to be used as an eiruv. A Braisa tells us that if one ate figs of terumah accidentally and pays the Kohen with an equal weight of dates, that is praiseworthy. Presumably that is so because dates are more significant. Therefore, if a kav of figs is enough, a kav of dates is surely enough as well.
  - **Abaye** says that Braisa is not a valid proof, because it could be discussing where he gives an equal value of dates instead of figs, and the reason it is considered praiseworthy is because dates are more easily sold, giving the Kohen an easier time if he chooses to sell them.
- **Q:** How much “shesisah” (made from flour of toasted grain mixed with honey) is needed? **A: R' Acha bar Pinchas** says, 2 spoonfuls.
- **Q:** How much “kisanei” (roasted grain)? **A: Abaye** says, 2 bunei (a measurement) of Pumbedisa.
  - **Abaye** said, his “mother” told him that “kisanei” is good for the heart and to alleviate worries. She also said, one who has weakness of the heart should take meat from the right thigh of a ram, roast it over coals of animal dung from Nissan, or if he doesn't have that he should have coals of willow twigs, eat the meat and then drink diluted wine.
- **R' Yehuda in the name of Shmuel** said, anything normally eaten with bread, only needs the amount that is normally eaten in 2 meals with bread. Anything eaten alone needs enough for 2 meals of that item alone. Raw meat needs enough for 2 meals alone. Roasted meat: **Rabbah** says enough to eat with bread, and **R' Yosef** says enough to eat alone, as we see that Persians eat it without bread.
  - **Q: Abaye** asked, Persians can't set the standard for the rest of the world!? **A:** This remains a question.
- **R' Chiya bar R' Ashi in the name of Rav** says, one may make an eiruv with raw meat. **R' Simi bar Chiya** says one may use raw eggs. **R' Nachman bar Yitzchak** said that **R' Yosef** said the eiruv will need to be made of 2 raw eggs.

-----Daf 30-----

HANODER MIN HAMAZON MUTAR BIMAYIM...

- This teaches that only water and salt are not called “mazon” (sustenance), but all other foods are called mazon.

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- **Q: Rav and Shmuel** say that one only makes a “borei minei mezonos” on food of the 5 grains. They seemingly hold that only the 5 grains are considered to be “mazon”. Our Mishna contradicts them!? **A:** Our Mishna is discussing where he makes an oath not to benefit from anything that “satisfies”, and all foods satisfy except for water and salt.
- **Q: Rabbah bar bar Channa** said that **R’ Yochanan’s** talmidim would bring him 1,000 large fruits from Ginosar, and he would eat them all and say that he was not satisfied!? **A: R’ Yochanan** meant that he had not eaten any “sustaining” food, not that he was not satisfied.
- **R’ Huna in the name of Rav** said, if one swears not to eat certain bread, he may still use it for an eiruv (other people may still eat it). If he swears and says “This bread is prohibited to me”, he is not allowed to have any benefit from it and therefore can’t use it as an eiruv.
  - **Q:** A Braisa says if one swears to abstain from certain bread, he may use it for an eiruv. Presumably he said “This bread is prohibited to me” and still it is mutar for an eiruv!? **A:** He said “I will not eat this bread”. This makes sense, because the Braisa explains itself, that he may use it as an eiruv only when he made a promise that he will not eat it. It seems that if he prohibited the bread on himself he may not use it as an eiruv.
    - **Q:** If this is true, when the Braisa wants to give an example of bread which can’t be used for an eiruv, why does it use an example of bread that he made “hekdesch”? Why didn’t it give the example of when he prohibits the bread on himself? This is problematic according to **R’ Huna**!? **A: R’ Huna** holds like **R’ Eliezer** in a Braisa who says the same as he said.
      - **Q:** We find that **R’ Eliezer** says one may make an eiruv even when he prohibits the bread on himself?! **A:** There are 2 Tanna’im who had different versions of what **R’ Eliezer** said.

### MI’ARVIN L’NAZIR B’YAYIN...

- Our Mishna does not follow **B”S** in a Braisa who say that a nazir may not have an eiruv of wine and a non-Kohen may not have an eiruv of terumah. **B”H** allow it. **B”H** said to **B”S**, don’t you agree that an adult may make a eiruv for Yom Kippur (although he can’t eat it)! So too, a nazir can make an eiruv with wine and a non-Kohen can make an eiruv with terumah. **B”S** say there is a difference. In the case of Yom Kippur, it is something that the adult can eat before Yom Kippur begins. That is not true by the nazir and the non-Kohen.
  - This version of **B”S** does not follow **Chananya**. He said that **B”S** don’t agree to the concept of eiruv unless one brings all of the things he needs for the entire Shabbos to the place that he wants to set up the eiruv.

### SUMCHOS OMER B’CHULIN

- **Q:** Why doesn’t **Sumchos** also argue with regard to a nazir’s eiruv of wine? **A:** A nazir can annul his promise of nezirus and become mutar to the wine on Shabbos.
  - **Q:** He can do the same to the terumah that he separated, so it should be a good eiruv for a non-Kohen as well!? **A:** If he annuls the terumah, the food would become “tevel” again and would be assur to him anyway.
    - **Q:** After annulment he could give terumah from other food for the eiruv food!? **A:** One is not supposed to give terumah from food not near the food he is looking to make not tevel.
      - **Q:** Why can’t he take terumah from the eiruv? **A:** If he takes terumah there would not be enough left for an eiruv.
      - **Q:** Must the case being discussed only involve an eiruv that has exactly the minimum necessary amount to be effective? **A:** We can say that **Sumchos** holds like the **Rabanan** who say that anything which is assur D’Rabanan on Shabbos is assur to be done “bein hashmashos” as well. Therefore, separating terumah may not be done bein hashmashos and therefore the eiruv cannot be effective for a non-Kohen.
- A Mishna says that the amount for the 2 meals necessary for an eiruv is determined based on the person who the eiruv is for. This seemingly follows **Sumchos** who says that the eiruv must be able to be eaten by the one who is using it.
  - **Q:** This Mishna seems to argue on **R’ Shimon ben Elazar** who says the amount of an eiruv for a sick or elderly person is the amount that they need for 2 seudos, but the amount for someone who eats a lot is

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judged by the amount needed for typical people. This second part seems to argue with the Mishna!? **A:** The Mishna's ruling is referring to sick and elderly people. Others would follow typical people.

### U'LIKOHEN B'BEIS HA'PRAS

- **R' Yehuda in the name of Shmuel** said, a Kohen may walk through a beis hapras by blowing on the ground to uncover any possible bone fragments before he steps on any given place. Therefore, he can get to the eiruv if he wants to.

### R' YEHUDA OMER AHF BEIS HAKVAROS

- This eiruv would be good because the Kohen can enter the cemetery in a box large enough to separate him from the tumah.
  - **R' Yehuda**, who allows this, must hold that a “moving tent” is considered to be a tent, which acts as a partition for tumah. This is actually a machlokes Tanna'im in a Braisa where **Rebbi** says it does not act as a partition and **R' Yose the son of R' Yehuda** says that it does.

### -----Daf נ"ג-----31-----

- **R' Yehuda** says in a Braisa that a tahor Kohen may make an eiruv with tahor terumah on top of a kever. The way that can be done is by the Kohen being carried over the kever in a box (as described in the last Gemara).
  - **Q:** The terumah will become tamei when being placed on the kever!? **A:** The terumah was not “muchshar l'kabel tumah”.
  - **Q:** How does the Kohen get access to the terumah? As soon as he sticks his hand out of the box he will become tamei!? **A:** He uses a flat piece of wood that is not a keili and cannot become tamei.
    - **Q:** The piece of wood will act as an ohel over the meis and the Kohen, and will make him tamei!? **A:** The piece of wood is not even a tefach wide and therefore cannot act as an ohel.
  - **Q:** If so, why do the **Rabanan** say that a Kohen cannot make an eiruv like this? **A:** They say that one may not be “konah” a dwelling place in a place that is assur to benefit from (and it is assur to benefit from a grave).
    - **Q:** How does **R' Yehuda** allow establishing the eiruv there? **A:** An eiruv is only established to help accomplish a mitzvah, and performing mitzvos is not considered to be having a benefit from it.
    - **Q:** Maybe this concept that **Rava** says that performing mitzvos is not considered to be having benefit is a machlokes between **R' Yehuda** and the **Rabanan** (**R' Yehuda** agrees with it and the **Rabanan** seem to argue)!? **A:** **Rava** would answer that all agree that performing mitzvos is not considered to be having a benefit. The machlokes is, the **Rabanan** say an eiruv may be established for any purpose (and a purpose other than a mitzvah is considered to bring benefit). **R' Yehuda** says an eiruv may only be established to help in the performance of a mitzvah, and therefore never provides any “benefit”.
    - **Q:** This din of **R' Yosef** that one may only establish an eiruv to help in the performance of a mitzvah seems to be the subject of a machlokes!? **A:** **R' Yosef** would say that all agree that an eiruv may only be established for a mitzvah, and all agree that performance of mitzvos provide no benefit. The machlokes is whether once the eiruv is established the person cares if the eiruv food remains intact for possible consumption at a later time. **R' Yehuda** says a person doesn't care about that as long as the eiruv has been properly established, and therefore the kever provides no additional benefit. The **Rabanan** say that the kever provides that benefit of protecting the food for a later time, and people want that benefit and it may therefore not be used.

### MISHNA

- A person may make an eiruv using demai, ma'aser rishon whose terumah was taken, or ma'aser sheini or hekdesch that was redeemed. Also, a Kohen may make an eiruv using Challah or terumah.

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- An eiruv may not be made with tevel, with ma'aser rishon whose terumah was not taken, or with ma'aser sheini or hekdesch which was not redeemed.

### GEMARA

- **Q:** Demai is not fit to be eaten, so how can it be used as an eiruv?! **A:** Since the person can give away all his possessions and become a pauper (who is allowed to eat "demai") it is considered fit for him now as well.

### U'MA'ASER RISHON SHENITLA TERUMASO...

- **Q:** This is obviously fit to be eaten?! **A:** We are talking about a case where the Levi took the ma'aser before there was a chiyuv for the owner to give Terumah Gedolah (before it was smoothed into a pile), and therefore, Terumah Gedolah was never given. We would think that is assur and therefore it should not be allowed as an eiruv. The Mishna is telling us like **R' Avahu**, that in this case the Levi only needs to give his Terumas Ma'aser, not the Terumah Gedola and it is therefore fit to be eaten. However, had the Levi taken the ma'aser after there was already a chiyuv for the owner to give the Teruma Gedola, the Levi would have to separate Teruma Gedola as well as Terumas Ma'aser.

### U'MA'ASER SHEINI V'HEKDESH SHENIFDU...

- **Q:** This is obviously fit to be eaten?! **A:** The Mishna is discussing where he gave the principle amount of the redemption, but not the additional fifth. The Mishna teaches that the redemption is considered complete without it as well.

### AVAL LO B'TEVEL

- **Q:** Tevel is obviously not fit to be eaten!?! **A:** We are discussing something which is tevel only D'Rabanan (e.g. something grown in a flowerpot without a hole). The Mishna is teaching that even that is considered not fit to be eaten to the point that it may not be used for an eiruv.

### V'LO MA'ASER RISHON SHELO NITLAH TERUMASO...

- **Q:** This is obviously not fit to be eaten!?! **A:** We are discussing where the Levi took his ma'aser after the produce was smoothed into a pile but before the owner separated terumah. One would think (based on the psukim) that the Levi should not have to separate the owner's portion of the terumah as well. The Mishna teaches that he does, and until he does it is not to be used for an eiruv.

### V'LO B'MA'ASER SHEINI V'HEKDESH SHELO NIFDU...

- **Q:** This is obviously not fit to be eaten!?! **A:** This is discussing where it was redeemed, but not properly. For example, the ma'aser was redeemed onto coins that have no image on it (the pasuk teaches that it must have some image), and the hekdesch was redeemed onto land (the pasuk teaches that hekdesch may not be redeemed onto real property).

### MISHNA

- If one sends an eiruv to be placed down by a deaf-mute, a deranged person, or a minor, or by one who doesn't believe in the halachos of eiruv, even if the eiruv is properly placed it does not have a din of an eiruv. However, if the sender (the one who desires to establish the eiruv) arranges for a competent person to take the food from these people and to have the competent person place the eiruv, the eiruv is effective.

### GEMARA

- **Q:** **R' Huna** said that a minor may collect the food needed from the joint owners of a chatzer to create an eiruv!?! **A:** Eruvei chatzeiros is different, because once the food is placed all are automatically joined into the eiruv. By eruvei techumin, the one placing the eiruv must make a kinyan on the dwelling place. These incompetent people lack the capacity to make a kinyan.

### OY B'YAD MI SHE'EINO MODEH B'EIRUV

- **R' Chisda** explained, the Mishna is referring to a Kuti.

### V'IHM OMAR L'ACHER L'KABLO HEIMENU HAREI ZEH EIRUV

- **Q:** We should be concerned that these incompetent individuals will not bring the eiruv to the competent person?! **A:** Like **R' Chisda** said elsewhere, the Mishna is discussing where the sender watches until the incompetent person reaches the competent person.



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- **Q:** We should be concerned that the competent person will not take the eiruv and place it down as instructed!?  
**A:** Like **R' Yechiel** said elsewhere, we have a “chazakah” that a “shaliach” does what he was instructed to do (and we can rely on that).
- **R' Chisda and R' Yechiel** said their din in regard to the following Braisa. The Braisa says, if one gave an eiruv to a trained elephant or monkey to place down, it is not a good eiruv. If he instructed a competent person to take it from the animal and place it down as an eiruv, it is a valid eiruv.
  - **Q:** We should be concerned that the animal will not bring the eiruv to the competent person?! **A:** **R' Chisda** says, the Braisa is discussing where the sender watches until the animal reaches the competent person.
  - **Q:** We should be concerned that the competent person will not take the eiruv and place it down as instructed!? **A:** **R' Yechiel** says, we have a “chazakah” that a “shaliach” does what he was instructed to do (and we can rely on that).
  - **R' Nachman** said, this chazakah is only relied upon when dealing with a D'Rabanan, not a D'Oraisa. **R' Sheishes** said this chazakah is relied upon even when dealing with D'Oraisa matters.

### -----Daf לב 32-----

- **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!

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- **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.

### -----Daf ל"ג---33-----

- We find the machlokes between **Rebbi** and the **Rabanan** (as to whether one is permitted during bein hashmashos to perform something that is forbidden on Shabbos D'Rabanan) in a Braisa.
  - The Braisa says, if one places an eiruv above 10 tefachim in a tree, it is not a valid eiruv. If it is placed below 10 tefachim it is valid, (even though he cannot take it from a tree on Shabbos because of a D'Rabanan) since he can take it from the tree during bein hashmashos, which is when the eiruv takes effect. If it within 3 tefachim to the ground, it is considered to be on the ground and may be taken even on Shabbos. If the eiruv is placed in a basket, even higher than 10 tefachim, it is a valid eiruv. The

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previous is all according to **Rebbi**. The **Chachomim** say, in any situation where one may not take the eiruv on Shabbos itself, it is not a valid eiruv.

- The **Chachomim** can't be arguing on the last case, because that would mean that they say even when the eiruv is in a basket it is assur to take it because it is "using" the tree. That would in turn mean that the **Chachomim** say using the "side of the tree" (or something attached to the tree) is assur on Shabbos, and we don't find that they hold that way. Therefore, it must be that they argue in the earlier case, and the machlokes is whether something forbidden because of a D'Rabanan is mutar bein hashmashos.
- **Q:** What are the characteristics of the tree discussed in the Braisa? If it is less than 4 tefachim wide, it is a makom petur and the eiruv may be taken from there on Shabbos!? If it is 4 tefachim or more, why does the eiruv become valid when it is placed in a basket!? **A: Ravina** said, the earlier part of the Braisa discusses a tree that is 4 tefachim wide, and that is why the eiruv is considered to be in a reshus hayachid. The later part of the Braisa discusses a case where the tree is less than 4 tefachim wide, but, when combined with the basket, it is 4 tefachim or more. Therefore, it is not considered to be a reshus hayachid, but it is considered that the eiruv is resting on a place of 4 tefachim (because **Rebbi** holds like **R' Meir** and says that we view the tree as carved out, thereby making an area of 4 tefachim with the basket), which is necessary, because **Rebbi** holds like **R' Yehuda** that an eiruv must rest on an area of at least 4 tefachim.
  - This shita of **R' Yehuda** is found in a Braisa where he says that an eiruv placed on a beam that is 10 tefachim high in the reshus harabim is only valid if the beam is 4 tefachim wide. He says that if it is less than 10 tefachim high it need not be 4 tefachim wide, because we would then view it as if it were sitting on the reshus harabim floor.
- **Q:** We said that the case of the basket in the Braisa is discussing a tree that is less than 4 tefachim wide, which, together with the basket amounts to 4 tefachim, although this will not be considered a reshus hayachid. Who is the shita who holds this way? It seemingly cannot be **R' Yose the son of R' Yehuda**, because he says in a Braisa that if one places a basket 4 tefachim wide atop a pole in the reshus harabim, it has a din of a reshus hayachid, because we say "gud achis" (the walls are viewed as extending down to the ground). Presumably he would say the same thing in the case of a basket hanging from a tree and it would therefore be considered a reshus hayachid!? **A:** It can be **R' Yose the son of R' Yehuda**. In the case of the pole we say "gud achis" because the "walls" would be surrounding the pole, and we don't have to come onto any further conceptual leniencies. In the case of the tree, besides "gud achis" we would have to come on to the concept of viewing the tree as being carved out. He would not use both concepts together and would therefore agree that the case of the tree does not result in a reshus hayachid.
  - **R' Yirmiya** said, the case of the tree was actually discussing a tree that was 4 tefachim wide. The reason why the eiruv is valid even when placed in the basket is because the basket can be tilted down to less than 10 tefachim, in which case there is access to the eiruv during bein hashmashos. So, although it was not tilted, since it could have been tilted, it is good enough.
    - **Q: Rava bar Sheva** asked **R' Pappa**, a Mishna says, when Yom Tov is on Friday and one wants to make an eiruv for Friday and Shabbos (the eiruv for Shabbos must be in existence on Friday evening), he can have food placed in the place he wants to establish the eiruv during bein hashmashos on Thursday evening, he can then carry the food back home (it is Yom Tov so carrying is permitted) and return it there for bein hashmashos on Friday. We see from this Mishna that he must actually place the food there during bein hashmashos of Yom Tov, and it is not enough that he could have brought it there. Similarly, it should not be enough that the basket could be tilted if it was not actually tilted!? **A: R' Zeira** said, in truth, the potential for the eiruv to be in the proper place is good

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enough (which is why the potential for tilting it is enough). The reason why the Mishna says the eiruv must actually be brought to the place is because we are concerned for a case when Yom Tov is on Sunday, in which case the eiruv cannot potentially be brought there during bein hashmashos of Shabbos evening. To prevent someone from mistakenly relying on that, we also make the eiruv actually be there even in a case where Yom Tov is on Friday and the eiruv could actually be brought there during being hashmashos.