

לעילוי נשמת
הר"ר חשה הגר ז"ל
ב"ר יוסף דוד ז"ל
ת.נ.צ.ב.ה.
Dedicated by our friends
DAVID & JUDY HAGER

מאורות הדף היומי
Meorot HaDaf Ha Yomi
A Weekly Letter for Learners of the Daf Ha Yomi

לעילוי נשמת
הר"ר יוסף וולף ז"ל
ב"ר ברוך מנדל הי"ד
ת.נ.צ.ב.ה.

י"ל ע"י ביהמ"ד למגיד שיעור "דף היומי" בראשות הגר"ד קובלסקי שליט"א וע"י קרן ברכה וחסי זיסר

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מסכת עירובין ע"ד-פ'

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Eiruvei Chatzeiros in Summer Rentals

When several houses share a common courtyard, an *eiruv chatzeiros* must be set in order to carry from the houses into the courtyard and vice versa. Even though the courtyard is surrounded by walls, and is technically a *reshus hayachid*, carrying is still restricted without an *eiruv chatzeiros*. Accordingly, an apartment building also requires an *eiruv chatzeiros* in order to carry from the apartments into the stairwell or lobby. The common areas of the building have the halachic status of a courtyard, and thus even though the entire building is technically considered one big *reshus hayachid*, an *eiruv chatzeiros* is still necessary.

In regard to a residential apartment building, this halacha is clear and undisputed, since the particulars match exactly to the courtyards that existed in the time of the Gemara. The question becomes more complicated in regard to hotels, hospitals and the like, where residents are given private rooms, and also share a common area. There are countless particulars to this question, rendering each public building a halachic world unto itself. For example, in the summer-rentals common in *Eretz Yisrael*, known as *tzimmerim* (Yiddish for "rooms"), each family has its own cooking facilities in its room, and eats independently. In a hotel, each person has his own room, but they usually eat together in a common dining room. In a hospital, each patient eats in his own room, but the food is provided by a common kitchen. These distinctions are very significant in determining whether an *eiruv chatzeiros* is necessary to carry from one's private room into the public hallways.

Tzimmerim: Since the residents of *tzimmerim* eat independently, each room is like a separate house, which would require an *eiruv chatzeiros*. However, the poskim find other reasons why *tzimmerim* may be exempt. The halacha (85b, Shulchan Aruch O.C. 370:2) rules that when a landlord lives in the courtyard, and retains a "handhold" on all the houses therein by leaving his belongings there, he unites all the houses into one common property. All the houses are considered his, and there is no need to make an *eiruv* since everyone else is a guest in his home (see Mishna Berura *ibid*, s.k. 10, 11).

The Maharshag (Teshuvos, 122) and R' Moshe Feinstein (Igros Moshe O.C. I, 141) rule that such is the case when a hotel or *tzimmerim* owner lives on the premises. He has a "handhold" on all the rooms, since he leaves his furniture there for the guests to use. Therefore, there is no need to make an *eiruv chatzeiros*.

However, most Poskim reject this ruling (Chazon Ish 92 s.v. *Teshuva*; Shemiras Shabbos K'Hilchosa ch. 17 footnote 58 citing Aruch HaShulchan; Dvar Avraham III 30; Minchas Yitzchak IV 55 citing Maharsham; Shevet HaLevi II 54; R' Elyashiv also concurred with these opinions, see *Eiruv Chatzeiros*, p. 274), insisting that the furniture provided for the convenience of the guests is not considered a "handhold" for the landlord. The furniture is also rented to the guests, along with the room, and therefore it is considered theirs and not his.

It is important to note, that even when the landlord does not retain a handhold on the rooms, an *eiruv chatzeiros* is only necessary if the tenants stay for more than thirty days. When a room is rented for less than this amount of time, the tenants are of secondary importance to the landlord. Since he is the only significant resident, the courtyard is not considered a common area, and thus there is no need for an *eiruv chatzeiros* (see Shulchan Aruch O.C. 370:8, Mishna Berura *loc. cit.*).

דבר העורך

The Merit of Supporting Torah

The Gemara (Taanis 9a) tells us that if a person is consistent in donating one tenth of his earnings to tzedaka, he will be granted great wealth. It is even permitted to "test" Hashem, to see if He fulfills this guarantee, as the *possuk* states, "Gather all the tithes to the warehouse... and test Me in this, says Hashem, if I will not open for you the windows of the Heaven to pour upon you endless blessing" (Malachi 3:10).

In the city of Brachfeld, on the outskirts of Yerushalayim, there is a small *kollel-boker*, in which *avreichim* wake up early to learn Torah for an hour before davening Shacharis each morning. R' Hirshel Brandwein, the gabbai of the kollel, raises money by means of a "daily-sponsor" program, wherein each donor takes upon himself the expenses of one day of learning. Recently, the gabbai found himself in a predicament. At 10:30 at night he found that he had no sponsor for the following morning. He quickly called a friend of his to ask if he would be interested in sponsoring the next day's learning. Since they were close friends, the gabbai confided that he normally asks each donor for \$100, but when possible, he takes \$125 just in case the expenses run higher.

נר ה'

נשמת אדם

IN MEMORY OF
ר' יעקב מנחם אדורס ז"ל
ב"ר בן-ציון וגיסל הי"ד נלב"ע כ"א כסלו תשס"ג
ת.נ.צ.ב.ה.
הונצח ע"י המשפחה שיחיו



"I am certainly interested," he answered, "but I have already committed a large amount of *maaser* money to other causes." The gabbai agreed to accept a pledge for the money, and whenever the donor finished paying off his other obligations, he could then pay for his pledge.

"I bless you that you should make a lot of money, and have enough to pay off your other obligations, so that you can send me the money as soon as possible," the gabbai said, and with that ended the conversation.

The next week, the sponsor's mother came to visit from America, and handed him a gift of \$1,000. The sponsor was pleased to see the gabbai's blessing fulfilled so quickly. Then, for the finishing touch, she gave him another \$250. "This is from your grandfather," she said. Together, it was exactly ten times the amount he had pledged to the *kollel-boker*. After commenting to his wife about the exceptional *hashgacha pratis*, she responded that it was a good thing R' Hirshel had asked for the extra \$25, for which they had received \$250 in return.

★ ★ ★

Once, Rav Shach zt"l recalled that in his youth, he suffered terrible conditions of poverty in his yeshiva. He could not afford a coat or a blanket, and the winter nights were so cold that he felt he could no longer stand it. A certain acquaintance of his offered him the opportunity to join him in his business. If not for the terrible cold, the young R' Shach would not have considered leaving yeshiva, but now he was sorely pressed, and wracked by indecision. Just then, a kindhearted person donated a pile of blankets to the yeshiva for the use of the bachurim. R' Shach's dilemma was solved. He remained in yeshiva, and grew to become the leader of the Yeshiva world. When he recalled this incident, he commented that the donation of one blanket was an investment that earned the *zechus* of his

Hotels and hospitals: The halachos of eiruv distinguish between neighbors who share their meals in one common room, and neighbors who have collective supplies of food, but eat independently. When they actually eat together, the common dining room unites them into one group. Therefore the courtyard does not resemble a public area and no eiruv is necessary. This is often the case in hotels, where guests dine together. Even if the courtyard is home to gentiles or Jewish apostates, who would render an eiruv invalid (see 61b), one may still carry from the homes into the courtyard. Here, there is no need for an eiruv at all.

When each family eats alone, sharing a common supply of food, they are not considered one collective group. Nevertheless, the food supply takes the place of an eiruv, to unite them and permit them to carry into the courtyard (71a). In this case, there is need for an eiruv, and the common food supply serves that function. This is often the case in hospitals, where patients eat alone in their rooms, from food prepared in a common kitchen. If a gentile or Jewish apostate is staying in the hospital, it is forbidden to carry from private rooms into the public corridors, since they render the "eiruv" invalid (Nesivos Shabbos, by R. Blau, ch. 31, footnote 15).

דף פ'ב עושין לחי אשירה

Idolatrous Eiruv

The Sages decreed that in order to carry in an alleyway on Shabbos, a *lechi* or *kora* must be erected at its entrance. A *lechi* is a vertical post at least ten *tefachim* high, and of any width. A *kora* is a horizontal post over the top of the alley, at least one *tefach* wide. In the beginning of our masechta, the Gemara discusses how the *lechi* and *kora* serve to permit carrying in the alley. The Gemara concludes that the *lechi* serves as a *mechitza*, a makeshift "wall" of sorts, which closes off the alley. A *kora* serves as a sign to remind people not to carry from the alleyway 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 *asheira*-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 *asheira*-tree, but a *kora* may not. The Gemara explains that since the *kora* 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 *kora* has a minimum width, it may not be made from an *asheira*-tree. However, since a *lechi* has no minimum width, it may be made from an *asheira*-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 *kora*.

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 it has been burnt, and therefore does not exist. It stated that *asheira*-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 *asheira*-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 *kora*, which has a minimum width, and therefore an *asheira*-tree *kora* is *possul*.



דף פ/א אמר רב נחמן נקטינן אחד עירובי תחומין

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

own Torah study, and that of the thousands of students he merited to raise.



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Sincerely,

The Meoros Staff



פנינים

תחום שבת

Each Person's Unique Avodah

For the most part, the laws of Shabbos apply equally to every Jew. The one exception to this rule is *t'chum Shabbos*. Each person has his own boundary of two thousand *amos*, centered around his particular location. Therefore, the *t'chum Shabbos* represents the unique position in serving Hashem that each person develops as appropriate for himself, which may not be appropriate for others. The potential to develop our own unique *avodah*, was granted to us during Kabbalas HaTorah on Har Sinai. Although the halachos of Shabbos were revealed to us in Mara, prior to Kabbalas HaTorah, the Gemara tells us that *t'chum Shabbos* was not given until Kabbalas HaTorah (Shem M'Shmuel, parshas Metzora).

וַיַּחַם אֶת פְּנֵי הָעִיר

The Inheritance of Yaakov

The Torah tells us that when Yaakov Avinu finally returned to Eretz Yisrael after his sojourn with Lavan, he arrived at the city of Sh'chem "and encamped before the city" (Breishis 33:18). Our Sages learn from here that Yaakov fulfilled the mitzva of *t'chum Shabbos*, and set an *eiruv t'chumin* allowing him to travel to the city (Breishis Rabbah 11:7, cited in Rashi). The Midrash states that as a commensurate reward for limiting his travel on Shabbos,



Yaakov was granted the limitless reward of the World to Come, as the *possuk* states, "Your children shall be as the dust of the earth, and you will break forward to the west, the east, the north, and the south" (Breishis 28:14).

The Meshech Chochma adds that a similar reward awaits anyone who fulfills the mitzva of *t'chum* Shabbos, as the *possuk* states, "If you refrain your legs from walking on Shabbos," a reference to *t'chum* Shabbos, "... then you will enjoy the inheritance of Yaakov your forefather, for the word of Hashem has spoken" (Yeshaya 58:13-14).

דף פ"א/כחומרין דמר וכחומרין דמר

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 *possuk* 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.

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.

Eiruv t'chumin in Tel Aviv: In issue #340, we suggested that one might need to use an *eiruv t'chumin* to walk from Bnei Brak, past the Ayalon Highway, to the northern end of Tel Aviv. In response to our article, we received a letter from R' Avraham Yehuda Halperin, Rav of the Avodas Yisrael - Kozhnitz community in Tel Aviv, in which he informed us that an *eiruv t'chumin* has already been set for the convenience of anyone who may wish to use it. Details are available at telephone number: 050-567-6657.

דף עד/א מקום פיתא

Chanuka Candles in a Yeshiva Dormitory

One of the most frequently asked questions each year before Chanuka is where a yeshiva student should light candles. As we know, Chanuka candles must be lit in the place where one lives. In the case of yeshiva students, who sleep in the dormitories and eat in the lunchroom, it is unclear which place is halachically considered their "living-quarters." In our sugya Rav and Shmuel debate a similar question in regard to *eiruv*. If a person sleeps in one house, and eats in another, which is considered his primary dwelling place? Which is the center of his *t'chum*? Which requires an *eiruv chatzeiros* with the neighbors of the courtyard? The Shulchan Aruch (O.C. 370:5) rules according to the opinion that the place where one eats is his primary dwelling in regard to *eiruv*.

The Taz (677 s.k. 2) draws a parallel between *eiruv* and Chanuka. He cites a proof from our sugya for the opinion of the Rashba (cited by Rema, *ibid*), who rules that one must light Chanuka candles in the place where he eats. That is considered his primary dwelling place.

However, the Taz qualifies this ruling by explaining that it refers only to a person who has two houses, one used for sleeping and one used for eating. If a person has one house, which he generally uses for all his needs, and is invited out as a guest to eat at a friend's house on Chanuka, he should not light at his friend's house, but rather at his own. Although some have the custom to light at their friend's house, the Taz insists that this is an improper practice, based on an incorrect understanding of the *sugya*. The advantage of lighting in the place where one eats applies only if he eats there so frequently that it can be considered his primary dwelling place.

In regard to yeshiva students, even if they do eat consistently in the lunchroom, it is still questionable whether they should light there. In our *sugya*, R' Sheishes rules that a yeshiva student should make an *eiruv* based on where he sleeps and not where he eats. The Gemara explains that the students would have preferred to eat where they sleep, rather than eating in the homes of others, as was then customary. Therefore, they consider the place where they sleep to be their primary dwelling place, and the place where they eat is merely an unfortunate necessity. The Shulchan Aruch rules accordingly (O.C. 409:7, 370:5, see Magen Avraham, Pri Megadim and Biur Halacha).

Therefore, in yeshiva buildings where students sleep and eat, and are not forced to depend on others for meals, they should light in the lunchroom, where they eat. However, if the lunchroom is far from the Beis Midrash, but the dormitories are close by, they should light in their dormitory, since they would have preferred to eat there too, if it would have been possible. In practice, the Chazon Ish ruled that yeshiva students should light in the lunchroom. Some say that the Chazon Ish instructed students to eat in their dorms during Chanuka. All opinions would then agree that they should light in the dorms, and the controversy is avoided entirely (Yemei Chanuka p. 64, citing R' Chaim Kaniefski).

Some Poskim contend that the lunchroom is a common area for all the students to eat together, whereas the dormitories are a more private living space, where only a few students share each room. Therefore the dorm rooms are their primary dwelling place, and they should light Chanuka candles there (Igros Moshe O.C. IV p. 128). Another reason why it is preferable to light in the dorm rooms is that Chanuka candles are meant to publicize the miracle. Since students spend considerably more time in the dorms than they spend in the lunchroom, the candles draw more attention in the dorms (see Minchas Yitzchak, VII 48).

הופיע!
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