

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 פ"א-פ"ז

בס"ד, כ"ד כסלו תשס"ו

השבוע בגליון

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דף פא/ב בארבעה פרקים בשנה

Buying a Share of Chanuka Candles

It is a heart-warming sign of *hashgacha pratis* when the sugyos learned in Daf Yomi correspond so directly to the seasons of the year as they come. In this week's Daf Yomi, we find a fundamental source used to determine how a guest in someone else's home should fulfill the mitzva of Chanuka candles. Based on a Gemara in Maseches Shabbos (23), the Shulchan Aruch (O.C. 677:1) rules that a guest may give a coin to his host to buy a share in his candle, and thereby fulfill his obligation.

Granted that a guest may purchase a portion in his host's candles, but the purchase must be made through a transfer of ownership recognized by Torah law. The Gemara in Bava Metzia (47b) rules that *medeoraisa* transfer of money marks the closing of a business deal in regard to any moveable object. Once the money has been paid, even if the goods have not yet been delivered, the deal is binding on both sides, and neither can renege. However, the Sages ruled that *mederabanan*, only a transfer of goods marks the deal as binding. They feared that if the purchaser paid money before he received his goods, the seller might be negligent in protecting the goods from damage before they are delivered. If a fire were to break out in the seller's warehouse, he could claim, "Your wheat was burnt in my attic." As if to say, "The deal is complete, the wheat is yours, and it is your responsibility to protect it, not mine." Therefore, according to Rabbinic law, a transaction is not complete until the buyer receives his goods. If the wheat is burnt in the seller's attic, the buyer can demand his money back, since the deal was not yet finalized.

This places us in a dilemma in regard to Chanuka candles. How can a guest purchase a share in his host's candles simply by paying money? The deal is not complete until he takes possession of the said share. Yet nowhere do we find that a guest must take hold of the candles and then hand them back to this host to light.

According to the Imrei Emes of Ger zt"l (Michtavei Torah, 12), the answer to this question lies in our sugya. The Sages decreed that when money is given to a butcher on erev Yom Tov, for meat to be provided on Yom Tov, the transfer of money finalizes the transaction, and neither side may renege. They did this in order to ensure that meat would be plentiful for Yom Tov. Even if the butcher would find that he did not have enough orders to make it worthwhile to slaughter an entire animal, he would be unable to renege on his agreement, since he had already accepted the money. The Maharil learns from here a general rule, that for the sake of a mitzva, payment of money finalizes a transaction. This applies to buying wine for kiddush (see Rema C.M. 199:3; Pri Megadim O.C. 656 E.A. 1), and according to the K'tzos HaChoshen (C.M. *ibid*, s.k. 2) it even applies to buying challos for Shabbos, since they too can be used for kiddush. The Pri Megadim (*ibid*) and R' Akiva Eiger (O.C. 649:2) apply this to buying an esrog for Sukkos. The Imrei Emes explains that the same can be said of purchasing a share in Chanuka candles. As the Maharil said, for the sake of a mitzva, transfer of money finalizes the transaction.

The problem with this conclusion is that it seems to be depend on a *machlokes* between the

Legal Loopholes

Recently, a lawyer from a well known Israeli legal firm entered the Meoros Daf Yomi office in Bnei Brak to ask for help in organizing a Daf Yomi shiur in his office. Meoros Daf Yomi was originally founded with the intention of making Daf Yomi accessible, and enjoyable, to Jews on every social and religious level. Since that time, daily shiurim have been established in a wide variety of locations, from the Israeli Diamond Exchange to the Israeli prison. At the request of this lawyer, his office joined the growing network, and the twenty-two employees of his firm made an hour of Torah study part of their business day. His firm specialized in finding legal loopholes to the benefit of their clients. He was inspired to enter this niche after hearing a story that occurred about sixty years ago, during the time of the British Mandate in Palestine. During that time, it was illegal to import any food product into Palestine without authorization of the British government. A certain Jew was caught smuggling in a truckload of onions from Egypt, and was summoned to court to face a large fine, and quite probably a jail sentence too.

After the evidence against him was presented, the case looked grim indeed. He was caught red-handed by the police, and it was impossible to claim innocence. Undaunted, the defense attorney rose and asked permission from the court to read the exact wording of the law his client had broken. The rule read more or less as follows: "It is forbidden to import food products, whether by sea or by air." With that, the defense attorney was seated and silence reigned in the court for a few moments. Everyone realized the implications. Since the onions were smuggled in by land, the defendant had

IN MEMORY OF

Mrs. **ADINA SHALOMOFF** ע"ה
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violated no law, and was summarily acquitted of all charges.

Clearly, the loophole stemmed from the fact that the law was based upon a similar ruling in force in England. England is an island surrounded by water, so the only way of importing goods is by sea or air. When the ruling was applied to Palestine, they had forgotten to adapt the ruling to include imports by land.

When the lawyer in our story began to study Gemara, he applied the same techniques his firm had taught him to find some flaw of reasoning or imprecision in the Gemara. His teachers strongly encouraged his investigation, and he found himself delving into the sugyos and asking many relevant and essential questions. Many of his questions were discussed and resolved by the Rishonim and Acharonim. After all his attempts to refute the logic of the Gemara, he found that the Gemara's reasoning was in fact perfect and incontrovertible. "Clearly, the Gemara does not need my stamp of approval," he said to us. "The Torah was granted to the Jewish people by Hashem, Who commanded us to study it for His sake. I just wished to express my great appreciation for this wonderful gift He has given us. For this reason, I so deeply wish to share this treasure with my co-workers."

You Never Lose by Learning

Once there was a young Russian baal teshuva who worked in a computer graphics company in Rishon LeTzion. His starting pay was very meager, so he was forced to work long hours, often as much as eleven hours a day, just to make ends meet. At one point, a relative who had been instrumental in guiding his path back to Torah and mitzvos suggested that he find an hour each day to learn Torah.

"I couldn't even think about taking any time off of work. I get paid by the hour, and I can hardly pay my rent as it is," he said. "Furthermore, if my supervisor would see me slacking behind in my work load, I might lose my job."

"No," said his relative. "You will never lose out by learning. Leave work an hour early this month, and find a Torah shiur in a shul near your home. You'll see that Hashem will provide for you."

"And if I do lose out?" he asked.

"If you earn less than usual this month, I will personally reimburse the difference," his relative assured him. He agreed to this proposition, and began leaving his desk at the early hour of 9:00 PM (!) to attend a shiur in Maseches Pesachim. At first he had no idea what was flying in the shiur. He did not even understand the basic subject being discussed, let alone the

Chachomim and R' Eliezer in our Gemara, whether money may be used to transfer ownership of eiruv-bread, in order to set an *eiruv chatzeiros*. Even though *eiruv chatzeiros* is a mitzva, the Chachomim hold that money may not be used to finalize a transaction. The food must actually be passed from one neighbor to the next. R' Eliezer holds that money may be used. The halacha follows the Chachomim, since they are the majority. Therefore, the Magen Avraham (O.C. 369) concludes that transfer of money finalizes a transaction only in regard to purchasing meat for Yom Tov, but not for other mitzvos such as Chanuka candles, contrary to the Maharil's conclusion.

The Acharonim answer that the Chachomim agree in principle that money may be used to finalize a transaction for mitzvos. However, they hold that this is true only for mitzvos that are obligatory, such as Yom Tov meals, wine for kiddush, esrog for Sukkos, or candles for Chanukah. *Eiruv chatzeiros* are certainly meritorious and advisable, but there is no strict obligation to set one. Therefore, money may not be used to transfer ownership of eiruv-bread (see Nesiv Chaim, Tosefos Shabbos, Pri Megadim, Eliya Rabba: ibid).

R' B.Z. Felman, suggests an alternative explanation how money can be used to purchase a share in Chanuka candles. According to Rashi (Bava Metzia 48a, see R' Akiva Eiger), the Rabbinic enactment gave the two parties the right to annul the transaction even after money has been paid. However, as long as they choose not to exercise that right, the transaction is still valid. Therefore, a guest may fulfill his obligation of Chanuka candles by purchasing a share from his host.

דף פב/א אין מערבין אלא לדבר מצוה

Is a Stroll a Mitzva?

If a person wishes to walk beyond the two-thousand amah *t'chum* that surrounds his city, he may do so by means of an *eiruv t'chumin*. However, the Gemara stipulates that an *eiruv t'chumin* may only be set for the sake of a mitzva, such as going to console a mourner, or to share in wedding festivities. The Poskim question whether a relaxing stroll is also considered a mitzva. Clearly, this is not an obligatory mitzva, on par with tefillin or lulav. However, perhaps it is included in the mitzva of *oneg Shabbos* – to take pleasure in Shabbos. If a person takes pleasure in a leisurely walk, perhaps this should be enough to justify an *eiruv t'chumin*.

Since there is no clear answer to this in our own sugya, the Poskim draw a comparison to other leniencies that were made for the sake of a mitzva. For example, it is forbidden to set sail on a boat during the three days preceding Shabbos (Shabbos 19a). However, for the sake of a mitzva it is permitted to do so. It is also forbidden to carry on Yom Tov, if not for some personal need, even if it is a minor one, or for the sake of a mitzva (Beitza 12a, Rosh 1:18, Shulchan Aruch O.C. 518:1).

Rabbeinu Tam (cited by Mordechai, Shabbos 258 et. al.) rules that traveling to conduct business or to visit a friend is also considered a mitzva, for which one may set sail immediately before Shabbos. Although many Rishonim argue with this ruling (see Beis Yosef O.C. 248), the Rema rules that one who relies on Rabbeinu Tam "should not be chastised."

Rabbeinu Tam (cited by Rosh, Beitza 1:18, et. al.) also rules that if a father wishes to take a leisurely stroll on Yom Tov, and he cannot leave his young child behind, he may carry him, since strolling is included in the mitzva of *simchas Yom Tov* – rejoicing with Yom Tov. The Terumas HaDeshen (77) learns from here, that if someone has an orchard outside of the *t'chum*, and he wishes to stroll there on Yom Tov, he may set an *eiruv t'chumin* since strolling on Yom Tov is a mitzva.

The Terumas HaDeshen is one of the primary sources of Ashkenazic legal custom, from which the Rema consistently draws. Here too, the Rema (415:1) cites the Terumas HaDeshen's ruling, but with a slight variation. "One may only set an *eiruv t'chumin* for the sake of a mitzva, for example... if he wishes to stroll through an orchard on Yom Tov or Shabbos. Since he finds joy (*simcha*) in this, it is considered a mitzva." Although the Terumas HaDeshen referred only to Yom Tov, the Rema applied his ruling to Shabbos. If enjoying oneself on Yom Tov is a



mitzva, presumably the same is true on Shabbos.

However, the Tosefos Shabbos (s.k. 6) challenges this presumption. Had the Terumas HaDeshen been written like any other responsa-sefer, we could assume that the question was written to him concerning Yom Tov, so he responded in turn. However, it is known that the Terumas HaDeshen himself wrote both the questions and the answers in his sefer, rendering it in a responsa format (see Shach Y.D. 196 s.k. 9 et. al.). If the Terumas HaDeshen posed the question regarding Yom Tov, it is entirely possible that he referred only to Yom Tov, and not to Shabbos. On Yom Tov there is a mitzva of *simcha* - joy; on Shabbos there is a mitzva of *oneg* - pleasure (see Taz O.C. 553). Perhaps a leisurely stroll may be defined as *simcha*, but it is not necessarily *oneg*. Therefore the Terumas HaDeshen's ruling cannot be applied freely to Yom Tov. Nonetheless, the Poskim support the Rema's ruling, and make no distinction between Shabbos and Yom Tov. In both cases, a stroll is considered a mitzva sufficient to justify setting an *eiruv t'chumin* (see Aruch HaShulchan; Kaf HaChaim).

דף פה/ב הנותן את עירובו בבתי שער

Where to Place the Eiruv-Bread

Eiruvei chatzeiros allow the residents of a courtyard to carry from their houses into the common courtyard. Similarly, *shitufei mevo'os* allow them to carry from the courtyards into the alleyway between the courtyards. In this week's Daf Yomi, our sugya discusses where to place the food used for the *eiruv* and the *shituf*. The *eiruv* functions by uniting the houses of the courtyard into one collective unit. The *eiruv*-bread is placed in one of the houses, and a share in the food is granted to all the residents of the courtyard. Thereby it is considered as if they all live together in the same house, together with the food. For this reason, the *eiruv*-bread must be placed specifically in a house, where a person might live. If the *eiruv* is placed outside in the courtyard, it is invalid. The *shituf*, on the other hand, unites all the courtyards into one. Therefore, it need not be placed in a house. It may also be placed outside in the courtyard, provided that it is kept in a safe place.

The Rema (O.C. 361:3) writes that there is an ancient custom to place the *eiruv chatzeiros* inside the shul-building. However, the *eiruv*-bread must be accessible on Shabbos. If the shul is locked and cannot be opened without violating a Torah prohibition, the *eiruv* is invalid (Shulchan Aruch O.C. 394:2).

When the government locked the shul: The Noda B'Yehuda (II, O.C. 39) was once addressed with the question of a shul that was locked by the government, as a penalty for the community having failed to pay their taxes on time. On the one hand, the *eiruv*-bread was inaccessible. On the other hand, it was only a Rabbinic prohibition to break the lock. As we have seen over the course of our sugyos, Rebbe holds that a Rabbinic prohibition does not render the *eiruv* invalid, and the halacha rules accordingly (see Biur Halacha, 394).

The Noda B'Yehuda responded that even though the Torah does not forbid breaking the lock, it was realistically impossible to do so. No one would dare endanger his life by breaking a lock placed by the government. Therefore, he instructed them to set a new *eiruv* for the following Shabbos, in a house other than the shul building.

People rarely die in shul: The Pri Megadim (366 M.Z. 7; 386 M.Z. 2) suggests the source of the custom to place the *eiruv* in shul is that people rarely die in shul, since people who are gravely ill generally remain at home. Kohanim are forbidden to enter a building where a dead body lies. Were the *eiruv* to be found in a house with a dead body, it would be inaccessible to the Kohanim, and therefore invalid. Therefore, the custom developed to keep the *eiruv* in shul.

Eiruv in a Reform synagogue: Another interesting application of this discussion arose in Hungary, when the *eiruv* was placed in a local Reform synagogue. The rabbonim had placed a strict prohibition, forbidding anyone from davening in the Reform synagogue. Years later, the question arose whether they meant to forbid even entering the synagogue, or just davening there. If they indeed forbade entering the place, then the *eiruv*-bread is considered inaccessible, and the *eiruv* is invalid (Maharam Shik O.C. 176, et. al.).

intricate arguments of the Amoraim. Yet he continued nonetheless, as he had promised his relative, until finally the sugya began to take shape in his mind.

Towards the end of the month, the supervisor called him into his office and asked him to be seated. He was certain that the ax was about to drop, and he would be chastised or even fired for leaving work early. To his great surprise, the supervisor turned to him with a smile and told him that his recent work was of outstanding quality and he was being given a raise in salary. After cutting off an hour from his work day, he was left with exactly the same salary as before. He returned to his relative to tell him the amazing story, but the relative did not seem at all surprised. "Didn't I tell you? You never lose out by learning." As time went on, he began to devote more and more time to his learning, until finally the majority of his day was devoted to Torah study, while still earning enough money by doing graphics work on the side (The rest of this fascinating story of *hashgacha pratit* is detailed in the Hebrew book *Niflaosov L'Bnei Adam*).



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Sincerely,

The Meoros Staff



מנינים

דף פא/א בכל מערבין ומשתתפין חוץ מן המים והמלח

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).

פא/ב זכין לאדם שלא בפניו ואין חבין לאדם שלא בפניו

Accepting the Torah on Another's Behalf

When the Jewish people were granted the Torah on Har Sinai, they accepted it on their own behalf, and on behalf of all future generations. According to some opinions, the souls of all future generations, and of all the converts who would ever be, were also present to accept the Torah. However, in regard to the covenant sealed by Moshe Rabbeinu, in which the Jewish people agreed to accept the reward for mitzvos and the punishment for aveiros, the *posuk* seems to imply that they were not there: "Not with you alone do I seal this covenant and this warning, but with whoever is here... and with whoever is not here with us today" (Devarim 29:13-14).

The Yismach Moshe (parshas Vayera) asks based on our Gemara, that one may act on another's behalf without his consent only to his benefit, but not to his disadvantage. Our forefathers could accept Moshe's blessing for their descendants who would perform the mitzvos, but how could they accept his curse for those who would transgress? He explains that the blessings and curses were placed upon us as a united nation. The tzaddikim among us represent the most vital aspect of our people. For them, Moshe's offer of reward and punishment would certainly be beneficial, and therefore it would be beneficial for us as a nation as well.

דף פ/א רבי מנחם עשירים

Rebbe Would Honor the Wealthy

The Gemara tells us that Rebbe and Rebbe Akiva would honor the wealthy, by placing them in a seat of distinction when they would come to the Beis Midrash. The commentaries ask that this seems to imply that the Sages attached importance to material success. Yet, we know that compared to Torah and mitzvos, wealth is insignificant. The Meor V'Shemesh (parshas Nasso) explains that the wealthy have a uniquely difficult test, in overcoming the distractions of their wealth and finding time to learn. Rebbe and Rebbe Akiva recognized their great challenge. When the wealthy succeeded in overcoming the distractions of their wealth and finding time to attend the shiur in the Beis Midrash, Rebbe and Rebbe Akiva lauded them for their efforts, and gave them seats of honor.

Sewn Challah for Shabbos

As we know, an *eiruv chatzeiros* is set using specifically bread, and not any other type of food. Furthermore, the bread must be a whole loaf, and not slices. The Sages made this stipulation, since they feared that otherwise a debate might break out among the neighbors over who donated larger slices and who donated smaller ones towards the *eiruv*. Therefore, they decreed that only entire loaves may be used. However, the Gemara does concede that two halves of a loaf may be attached with toothpicks, and made into one "whole" loaf, which would then be valid for the *eiruv chatzeiros*.

The Rokei'ach (329) learns from here that a "sewn" challah may also be used for *lechem mishna* for a Shabbos meal. The Magen Avraham (168 s.k. 4) cites this opinion and rules accordingly, but other Poskim (Yeshuas Yaakov 366 s.k. 3, et. al.) reject it. The Chasam Sofer (O.C. 46) explains the two sides of the debate. Does our Gemara mean to tell us that even though a "sewn" challah is not considered whole, it is sufficient that it appears whole to the other neighbors, in order to prevent dispute? If so, then there is no proof from here that a sewn challah may be used for Shabbos. Or perhaps our Gemara means to tell us that a sewn challah is in fact considered whole, in which case it may be used for *lechem mishna*. In practice, we rely on the Rokei'ach's ruling that a sewn challah is acceptable for *lechem mishna* (Mishna Berura 168 s.k. 7).

Attaching numerous slices: The Chasam Sofer (ibid) was asked if only two halves may be attached to form a whole loaf, or even numerous slices. He responded by raising a severe question against the Rokei'ach, as we shall soon see, and concluding that since even attaching two halves is questionable, let us not take this leniency any farther than what the Poskim have explicitly permitted.

The Chasam Sofer's challenge to the Rokei'ach is as follows: The Rambam and Raavad (Hilchos Tumas Ochlim 6:12) both cite a Tosefta, which states that an esrog sliced in half and reattached with toothpicks is not considered one whole fruit. Therefore, if one half becomes *tamei*, the other half may still remain *tahor*. We see from here that reconnecting a broken loaf does not make it whole. It merely appears whole, and that is sufficient to prevent debate among neighbors, but insufficient for *lechem mishna*.

A whole esrog vs. a whole loaf: The Poskim who support the Rokei'ach, refute this proof by explaining that there is an intrinsic difference between a whole esrog and a whole loaf. An esrog grows as one complete fruit. Therefore, if it is cut, its original, natural whole form can never be restored. Bread, on the other hand, is made of many tiny pieces of flour, which are kneaded together with water. Since they were originally attached only through human effort, the halacha grants greater significance to the slices being reattached by human effort (Chazon Nachum, Beis Meir on Uktzin ch. 20. See also Sho'el U'Meishiv I 131. See Rashba, Mossad HaRav Kook publication, footnote on Eiruvim 81a).

דף פ/ב פעם אחת שכחו ולא הביאו ספר תורה

Taking Care not to Miss Torah Reading

When Rav Chaim of Volozhin zt"l married off his son R' Yitzchak, the wedding took place in an area that had no regular minyan. The wedding party made their own minyan, but they had no Sefer Torah, and R' Chaim very much wanted to hear Torah reading. Another prominent rav who was present insisted that it was not necessary. Since they did not have a Sefer Torah easily available, they were not required to make strenuous effort to acquire one. R' Chaim did not wish to argue, so he conceded to the other rav's argument.

When he returned home after the wedding, he opened the Aron Kodesh in his home, and found that his own, personal Sefer Torah had been stolen. His heart pained him with the realization that this was a sign from the Heavens that he had improperly made light of Torah reading. He davened to Hashem and asked forgiveness for his misdeed. As he was still davening, his Sefer Torah was found (Keser Rosh, Tefilla 21).

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