

דף צ"ב תשעה בגדולה ויחיד בקטנה מצטרפין תשעה בקטנה ואחד בגדולה אין מצטרפין

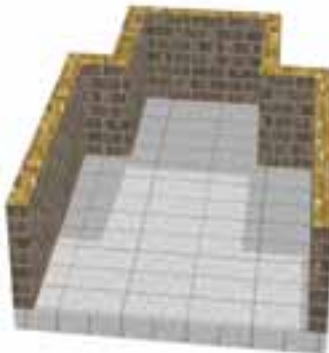
Making a Minyan in an Apartment

The Minchas Yitzchak (IV, 9) was once addressed for advice about how to arrange a minyan in a two room residential apartment that was converted into a shul. The interior walls of the apartment were knocked down, and it was converted into one large room. In our sugya, we learn that when a smaller courtyard opens into a larger courtyard, a person standing in the larger area can see the "shoulders" of the walls between the two, whereas a person standing in the smaller courtyard sees no separation at all between the courtyards (see diagram 1). Therefore, the larger courtyard can consider itself "separated" from the smaller courtyard, and need not include the smaller in its eiruv. However, the smaller courtyard cannot consider itself separated from the larger, and it must include the larger in its eiruv.

The Gemara proceeds to apply this same principle to other halachos. For example, if two different species of plants are planted on either side of the dividing line between the courtyards, the plants in the larger courtyard are not considered *kilayim*, but the plants in the smaller courtyard are.

If a *minyan* of ten people are divided between the two courtyards, they can combine to form a *minyan* only if the majority are found in the larger courtyard. The majority can "draw" the minority towards them, so to speak, to be considered as if they are located together, only if the majority are located in the larger area.

Most Poskim understood the case in the Gemara to fit the example in diagram 1. The larger room is considered the primary area. If the majority of the minyan are there, they can draw the rest of the people from the smaller room into the *minyan* (Shulchan Aruch O.C. 55:16-17). The Shulchan Aruch HaRav (ibid 20), however, offers a unique opinion, which does not appear in any of the other Poskim. He explains that the minority in the smaller room can only be drawn after the majority if the walls of the smaller room extend into the larger (see diagram 2). According to this opinion, if the rooms are situated according to diagram 1, the two groups cannot combine to form a *minyan* since the shoulders visible from the larger room divided the rooms in two. (Above on page 9 we learned that even if the walls are only visible from



1



2

דבר העורך

Yeshiva in Yerushalayim

An American yeshiva bachur studying in Yerushalayim returned home one summer for *bein hazmanim*. In his neighborhood shul on the West Side of Manhattan, he met an elderly Jew, a simple working person, who attended the daf yomi shiur after Shacharis each morning.

"I haven't seen you around here, are you new to town?" asked the older man.

"No," answered the bachur. "My family lives here, but I've been learning in yeshiva in Yerushalayim for the past few years."

The older man's eyes began to shine with a gleam of excitement and interest. "Oh, Yerushalayim!" he said. "I also learned in yeshiva in Yerushalayim when I was young. Have you heard of Rav Elyashiv?" he asked.





"Of course," answered the bachur. "Who hasn't?"

"Well, in my day, I learned in the yeshiva of Rav Elyashiv's father, R' Avraham Elyashiv zt'l. When I was a young boy, I came to Israel with my parents. R' Avraham Elyashiv found me sitting in shul one morning. 'Yingel, do you want to learn Torah?' he asked. 'Of course,' I answered. 'Can you wake up early?' he asked. 'How early?' I asked. 'Yeshiva starts at 5:00 AM,' he said."

"Boys took turns being the *vecker* (yiddish for waker)," the old man continued to explain. "When it was your turn to be the *vecker* you had to wake up at 4:00 to go around to all the windows. You knock on each window softly until you hear someone knock back. Then you know that he is awake and you can move on to the next window."

"It sounds like you were just a small boy then. Weren't you tired?" the bachur asked the old man, "Tired? What do you mean tired? When we got to the yeshiva at 5:00 there was such a booming, *zisa kol Torah* (sweet sound of Torah study) that no one could even think of being tired. We learnt from 5:00 until 7:00 and the *Rosh Kahal* (Head of community affairs – a sort of shul president of the time), a stately old man with a white beard, would go around giving cups of tea with sugar to the boys while we learned. At 7:00 we davened and then went out to work. In those days, we didn't have the privilege of learning all day, as bachurim do today. The yeshivas didn't have money to provide food, so we had to work also, just to keep ourselves from starving, so that we could continue to learn. After nightfall, we would return to yeshiva. We davened Maariv and then continued learning until 10:00 PM."

The bachur stared at the "simple" elderly man. He was speechless. "Ah, yeshiva in Yerushalayim!" the old man said with a nostalgic sigh. "Those were the best days of my life!"

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Sincerely,

The Meoros Staff

one side, they function to divide the rooms).

The questioned posed to the Minchas Yitzchak involved an apartment whose two rooms were situated similar to diagram 1. Ostensibly, according to the Shulchan Aruch HaRav, there must be an entire *minyan* of ten people in the larger room. Even according to the other Poskim, care must be taken to maintain a majority of a *minyan* in the larger room.

He answered by explaining that our Gemara discusses a case of two different courtyards with two different functions, that one wishes to combine to form a *minyan* or an *eiruv*. In such a case, the shoulders of the wall separate the two. However, in the case of a one-room apartment designated for use as a shul, the group of people combine to form a *minyan*, regardless of the shape of the room.

When a chazzan davens from a raised platform: As a proof for this conclusion, the Minchas Yitzchak cites a teshuva in which the Rashba rules that a chazan may daven from a raised platform, even if the platform is ten *tefachim* high and four *tefachim* wide. Although its dimensions would render it into a "room" unto itself, it is still not considered a separate room, since it is not designated for any purpose other than to serve the main shul room (Teshuvos HaRashba I, 96; Shulchan Aruch O.C. 55:19). The same is true of a single shul room, even if it is shaped like two attached rooms, as we see in diagram 1. Therefore, even if the majority are found in the smaller area, they still combine to form a *minyan*. Furthermore, even according to the Shulchan Aruch HaRav, the two areas can combine, since they are in fact only one oddly shaped room.

דף צג/ב גידוד חמשה ומחיצה חמשה

Mechitzos of Shabbos vs. Mechitzos of Sukka

In our sugya, and also in Maseches Gittin (15) the Gemara asks whether a wall five *tefachim* tall can combine with a "*gedud*" of five *tefachim*, to form a *mechitza* of ten *tefachim*. Rashi interprets *gedud* to mean the wall of a pit. According to this interpretation, the Gemara asks whether a wall must be either entirely above ground or entirely below ground, or if the underground wall of the pit can combine with the above ground wall to equal ten *tefachim*. From the perspective of a person standing in the pit, a wall of ten *tefachim* is visible. However, from the perspective of a person standing outside of the pit, there is only a five *tefachim* wall. The Amoraim therefore debated whether this is considered a valid *mechitza*. According to R' Chisda, they do not combine to form a *mechitza*.

In Maseches Gittin (15b s.v. *Ein mitztarfim*), Rashi adds that even relative to the person standing in the pit, who can see the *mechitzos*, it is still not considered a *reshus hayachid*. Tosefos (s.v. *gedud*) rejects this interpretation, and shows that our own sugya shows explicitly to the contrary. When one courtyard is five *tefachim* higher than its neighbor, and there is also a five *tefachim* wall between them, the height difference and the wall combine to form a ten *tefachim* *mechitza*. In regard to the lower courtyard there is a *mechitza*, but in regard to the higher courtyard there is not. This is because a person standing in the lower courtyard sees the wall as an extension of the cliff upon which the higher courtyard is situated. Together, they form a wall of ten *tefachim*. The person standing in the higher courtyard sees only the five *tefachim* wall. The upshot of this distinction is that the lower courtyard makes its own *eiruv chatzeiros* without including the higher courtyard, since a *mechitza* separates the two, but the higher courtyard cannot make an *eiruv chatzeiros* without including the lower, since from their perspective there is no *mechitza*.

Tosefos asks a similar question in Maseches Sukka (4b s.v. *Pachos*). There we find that if a pit is dug five *tefachim* into the ground, and walls of five *tefachim* are built around it, it may be used as a Sukka. Once again we see that the underground walls of a pit, and the aboveground walls that



surround it can combine to form a *mechitza* of ten *tefachim*.

The purpose of mechitzos: R' David Pavorski zt"l, the former Rosh Yeshiva of Ponevetzh, offered the following explanation to defend Rashi's position (Shiurei R' David Pavorski, Gittin p. 201).

In regard to *mechitzos* of Sukka, it is sufficient for the *mechitza* to be visible only from the inside of the Sukka. This is because a Sukka must be an area large enough for a person to live there. Our Sages deemed seven *tefachim* width by ten *tefachim* height to be sufficient. It is absolutely irrelevant that a person standing outside the Sukka cannot perceive these dimensions, provided that the person inside the Sukka finds the space sufficient for living arrangements.

When Rashi said that the *mechitza* must be visible from both sides, he referred only to the *mechitzos* necessary to form a *reshus hayachid*. A *reshus hayachid* can only be formed by walls that are objective and absolute, from whatever vantage point they are observed.

This same distinction can be applied to the case of two courtyards. Both courtyards are already considered *reshuyos hayachid*, since they are both surrounded by walls. The issue at hand is whether the *mechitza* serves to separate them, in order that they need not be included in the same *eiruv*. In this case, Rashi rules that a *mechitza* may be subjective to the vantage point from which it is perceived. Since the lower courtyard sees the *mechitza*, it is valid for them and they need not include the higher courtyard in their *eiruv*. The higher courtyard cannot see the *mechitza*, therefore it is not valid for them.

דף צד/ב פי תקרה יורד וסותם

The Elevated Train in Brooklyn

About fifty years ago, R' Moshe Feinstein (Igros Moshe O.C. I, 138) was asked to voice his opinion on creating an *eiruv* in Brooklyn. At that time, a prominent rav named R' Rafael Ber Weismandel published a treatise in which he suggested an *eiruv* could be made, since Brooklyn is surrounded on three sides by man made walls that hug the ocean and the river, and the fourth side is closed off by elevated train tracks that run as an extension of the New York City subway system. According to the sugya of *pi tikra*, the edge of a roof can be considered like a wall, which descends to close off a *reshus hayachid*. R' Weismandel ruled that the train tracks formed such a wall.

R' Moshe responded with a lengthy teshuva in which he rejected the proposal. One of his arguments was based on our sugya, in which we find a *machlokes* over when the Halacha L'Moshe M'Sinai of *pi tikra* applies. According to the opinion accepted in halacha by the Rema (O.C. 361:2), *pi tikra* applies only if there are already two solid walls with a common corner that form an "L" shape. *Pi tikra* can then form a third wall. However, if the two solid walls are parallel, such that people can freely pass between them, they negate the "imaginary" wall of the *pi tikra*. In the case of the elevated train, there is nothing to stop people from passing freely beneath the tracks. Therefore, the Halacha L'Moshe M'Sinai of *pi tikra* does not apply.

Furthermore, argues R' Moshe, *pi tikra* is only relevant to the area beneath the roof. *Pi tikra* allows us to make an imaginary wall to enclose the area beneath the roof. In this case, the area beneath the tracks may very well be a *reshus hayachid*. However, the *pi tikra* of the tracks does not enclose the area beyond the tracks, i.e. the rest of Brooklyn. We find this argument presented in our sugya by Rava, who claims that if a Sukka is built next to a canopy, we cannot apply *pi tikra* to the edge of the canopy to form a wall for the Sukka. *Pi tikra* can only form a wall for the area beneath the canopy, not for the area beyond it.

For these and other reasons, R' Moshe concluded that Brooklyn cannot be considered a *reshus hayachid*, in which an *eiruv* is feasible. It is interesting to note that the Chazon Ish (O.C. 79:1) ruled in a very similar case, that an

פנינים

צ/ב ציבור בקטנה ושליח צבור בגדולה אין יוצאין ידי חובתן

Communal Prayer

When ten people gather together in shul to daven, but each one davens for his own personal needs, this cannot truly be considered *tefillah b'tzibur* – communal prayer. The main purpose of gathering together in prayer, is that we should unite our prayers for a common goal. The *minyan* must stand together to daven for Hashem's sake, and pray that He may soon reveal His kingdom in the world.

The *shaliach tzibur* is the conduit through which these prayers for Hashem's sake ascend and are accepted in Heaven. This is as Shlomo HaMelech prayed, when he inaugurated the *Beis HaMikdash*: "You shall hear from the Heavens" (Melachim I 8:32). Heavens in Hebrew is *Shomayim*, which is the Gematria of *shat"z* - *shaliach tzibur*. Through the intermediary of the *shaliach tzibur*, our prayers for Hashem's kingdom ascend (Kozhnitzer Maggid, Avodas Yisrael – Likutim).

The Best Shaliach Tzibur

Someone once wrote a letter to the Rosh, complaining about how people from undistinguished families are often allowed to be *shaliach tzibur*. The Rosh (Teshuvos 4:22) responded with a teshuva to the contrary, in which he quoted the *possuk*, "Peace, peace to the far and to the near" (Yeshaya 57:19). Mahari Abuhav explained that the Rosh meant to apply this *possuk* to Baalei Teshuva, who came from families distant from Torah and mitzvos, but were drawn near to Torah observance. These people are closer to Hashem, and their prayers are more acceptable, than others from more distinguished families, who are themselves lax in Torah observance (Beis Yosef, O.C. 53).

Similarly, the Maharam (Teshuvos, 249) was asked if it was perhaps inappropriate for handicapped people to be *shaliach tzibur*. He responded that their prayers are even more acceptable in Heaven, since they are more likely to daven with a contrite and humbled heart. The *possuk* says,

"A broken and downcast heart, *Elokim*, do not reject" (Tehillim 51:19). Whereas mortal kings prefer to make use of perfect vessels, the King of kings, Hashem, prefers broken vessels for His service (Bach, *ibid*).

The Three Pillars

Each shul requires a rav to teach Torah, a *shaliach tzibur* to daven, and a *shamash* to tend to the needs of the shul. These three people correspond to the three pillars of the world: Torah, *avodah* (prayer), and *chesed* (acts of kindness), as we find in Pirkei Avos (1:2). However, it is very important that all three act without intention of their own benefit, but solely for the sake of Hashem. The first letters of the words *rav*, *chazan*, *shamash*, spell out the Hebrew word *rachash* – which means shake. With this we can understand the *possuk* in Tehillim, "My heart shakes with a good act, I give my song to the King" (45:2, see Rashi). The Torah study, prayer and good deeds of those who work with the community, must be purely for the sake of the King (Toldos Yaakov Yosef, parshas Ki Seitzei).

IN MEMORY OF

הר"ר יחזקאל ברוך רפפורט

ז"ל CHARLES RAPAPORT

ב"ר אהרן ז"ל נלב"ע י"א טבת תש"ס

ת.נ.צ.ב.ה.

הונצח ע"י משפחת ריישער הי"ד

ארה"ב – The Reischer family

eiruv can be made. In a certain city, the government did not permit the Jews to build a *tzuross hapasach* over the main street. The street was wider than ten amos, so a *lechi* or *kora* would have been ineffective. They therefore built a balcony extending over part of the street, such that from the end of the balcony until the opposite side was less than ten amos. They then considered the edge of the balcony to be a *pi tikra*, forming an imaginary wall, which closed off half the width of the street. The remaining half was less than ten amos, and a *lechi* was then sufficient to permit carrying.

Apparently, the Chazon Ish considered the *pi tikra* of the balcony a valid *mechitza*, even in regard to the street beyond the balcony, and even though people passed freely underneath.

Eiruv Chatzeiros and Shituf Mevo'os Together

As we have often discussed, today's apartment buildings fit exactly to the halachic specifications of houses in a courtyard. Each apartment is a private home, and they are joined by a common staircase. Just as our Sages required neighbors in a courtyard to join together in an *eiruv chatzeiros* in order to carry into their yard, so too neighbors in an apartment building require an *eiruv chatzeiros* to carry from their apartments into the staircase. The question must then be raised why there is no such custom in Klal Yisrael for neighbors in an apartment building to make an *eiruv chatzeiros*.

The reason for this is that the rabbis of the city set a *shituf mevo'os*, which permits carrying in the streets of the city. The *shituf* applies also to the apartment buildings therein. Although this is subject to an extensive debate in the Gemara, the accepted halacha follows the Rambam (1:19) who rules that if a *shituf mevo'os* is made using bread, there is no need to make *eiruv chatzeiros* (see Shulchan Aruch O.C. 387).

Normally, a *shituf mevo'os* may be made using any type of food. However, in this case specifically bread must be used, since the *shituf* takes the place of the *eiruv chatzeiros* as well. Essentially, if a *shituf* combines all the courtyards into one, it should certainly be able to combine all the residents of the courtyards in the process. However, our Sages feared that if one collective *shituf* would be made for all the alleys and all the courtyards, the children living in the courtyards would be unaware of the *shituf*. They would grow up not realizing that any *eiruv* or *shituf* is necessary in order to carry. Had each courtyard made its own *eiruv chatzeiros*, the children would see the bread being gathered, and realized the need for the *eiruv*. Now that the one general *shituf* takes the place of the many individual *eiruv*s, the children may very well remain unaware of this important halacha.

For this reason, our Sages enacted that when the *shituf* takes the place of the *eiruv*, specifically bread must be used. Bread is an important food, and when it is gathered, it draws enough attention that the children will become aware of it. They will then realize that an *eiruv* or *shituf* is necessary to carry from their homes into the courtyards.

Based on this, the Rema (O.C. 366:3) rules: "The custom in these times is to place the *eiruv*-food in the shul, and such was the custom in previous generations. It seems to me the reason for this is that our *eiruv* has the status of a *shituf*, and therefore need not be in a residential home." What he means to say is that an *eiruv chatzeiros* must be placed specifically in a house that is fit for residential purposes. Since it is forbidden to live in a shul, due to its great holiness, an *eiruv* cannot be left there. The Rema reconciles this problem by explaining that our *eiruv* is not technically an *eiruv* at all, but in fact a *shituf mevo'os*, which need not be kept in a home. Since a *shituf* is meant to join all the courtyards into one, it may be kept outside in the courtyard, unlike an *eiruv*. It may also be kept in a *shul*, even though the shul is unfit for residential purposes.

Some add that keeping the *shituf*-bread in shul has the added advantage that everyone can see it when they come to shul to daven. Thereby, the children will learn about the *shituf*, and realize that the *shituf* is necessary in order to carry from their homes into the street (see Levush 387).

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