

This month's Daf Digest is dedicated
L'Ilu Nishmas Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) The effectiveness of a tzuras hapesach higher than twenty amos and a prominence wider than ten amos (cont.)

The Gemara is able to demonstrate that a tzuras hapesach is effective above twenty amos but is unable to conclude whether a prominence wider than ten amos is effective.

2) A tzuras hapesach wider than ten amos

R' Yehudah taught the Mishnah as ruling that if a mavoi entrance wider than ten amos has a tzuras hapesach, no adjustment is necessary to permit carrying. Rav, however, instructed him to teach that even with a tzuras hapesach he must decrease the width of the entranceway.

R' Yosef suggested that according to Rav, a chatzer enclosed mostly with tzuras hapesach will not permit carrying since the majority of the enclosure is open space.

The Gemara, however, rejects R' Yosef's assumption. It is suggested that R' Yochanan also subscribes to the opinion of Rav and rules invalid a tzuras hapesach wider than ten amos.

The Gemara is unable to prove that R' Yochanan follows Rav's position on this issue.

As a side note to the previous discussion, it emerges that if the crossbar of the tzuras hapesach extends from the side of the poles rather than over the top it is a valid tzuras hapesach for issues of kil'ayim only if the tzuras hapesach is not wider than ten amos.

3) Constructing a valid tzuras hapesach

R' Chisda ruled that a tzuras hapesach with the crossbeams extending from the side of the poles rather than over the top is invalid. Additionally, the tzuras hapesach must be strong enough to support a door of straw.

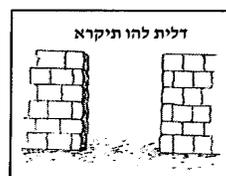
Reish Lakish in the name of R' Yanai ruled that a tzuras

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Daf DIAGRAM



(ב)



(א)

פתחי שימאי

Rav Kahana explains that the Baraisa which requires עומד ערוך could be dealing in a case where we do not have צורת הפתח at all, because all the doors and windows are either open on top (א), or irregular along the sides (ב). ■

Distinctive INSIGHT

Does צורת הפתח help for a length greater than 10 Amos?

אמר רב יוסף מדברי רבינו נלמד וכו'

Apparently, the conclusion of Rav Yosef is only based upon the words of Rav. Once Rav has stated that a צורת הפתח cannot be used for an entranceway of a mavoi which is greater than 10 amos wide, he therefore concludes that a צורת הפתח is also ineffective to help in the case of a חצר, which is פרוץ מרובה על העמוד. We, however, rule according to the opinions that do allow a צורת הפתח for an opening to a mavoi which is wider than ten (Shulchan Aruch 362:10). Would this mean that we allow a צורת הפתח for a חצר which is פרוץ מרובה על העמוד?

Ritva learns that, in fact, the comment of Rav Yosef is valid even according to Rabbanan. Although Rav Yosef introduced his words by saying "מדברי רבינו נלמד—we see from Rav...", the truth is that even according to Rabbanan we would not allow a צורת הפתח to permit fixing a חצר which is more open space along the perimeter than solid walls.

Furthermore, Ritva adds that although the statement of Rav Yosef is not maintained according to the conclusion of the Gemara, nevertheless, his statement is correct, as we see from the law of פסי ביראות. Here, the halachah requires special arrangements of boards along corners of a public well, and we see that the halachah does not allow the enclosure of a linear distance of greater than ten amos to be fixed with a צורת הפתח. It must be, concludes Ritva, that a צורת הפתח would not function for such a long exposure.

However, Tosafos and Rosh learn that there are other practical reasons we do not use a צורת הפתח to fix the public wells, and that we use corner-boards instead. As we stated, the Shulchan Aruch (362:10) concludes that a צורת הפתח is valid to enclose a linear distance of greater than ten amos, as well as for a חצר which has more open space along its perimeter than it does solid. ■

REVIEW and Remember

1. Is a tzuras hapesach effective at validating an entranceway more than twenty amos high?

2. Explain פיתחי שימאי.

3. What is a צורת הפתח מן הצד?

4. What type of mavoi is discussed in the Mishnah?

HALACHAH Highlight

Tzuras hapesach min hatzad

צורת הפתח שעשאה מן הצד

A tzuras hapesach that is on the side

Rav Chisda teaches that a tzuras hapesach that is on the side is invalid. In order to form the shape of a doorway it is necessary for the reed from the plant to rest on top of the two sideposts (l'chayayim) rather than stretch from one to the other on the side of the posts. This creates a challenge when constructing an eruv that utilizes telephone or electrical poles to create a tzuras hapesach. In theory, if one attaches a lechi on two telephone poles beneath one of the wires he has constructed a valid tzuras hapesach. The question is, however, is it necessary to use precise measuring instruments to assure that the wire is directly over each lechi or perhaps one may rely on one's vision and as long as it appears that the wire is directly over each lechi the eruv is valid?

Teshuvav Avnei Yashpei¹ points out that there are many halachos that rely upon a person's vision rather than precise measuring instruments. For example, Chochmas Adam² writes that there is no need to examine vinegar under a microscope to determine whether there are microscopic sized bugs. Bugs that are visible to the naked eye are prohibited but not those that are not visible to the naked eye. Avnei Yashpei then asserts that one cannot prove from this halachah that for all matters of halachah that we only take into account what is visible to the eye to the exclusion of using precise measuring instruments. The reason is that it is possible that when it comes to prohibitions there is no reason to use measuring instruments since the Torah was not given to the angels who can be so precise. In contrast, when it comes to the construction of a tzuras hapesach it is possible to be precise and perhaps one is obligated to use those instruments in order to be precise. He then suggests a rationale to be lenient. A tzuras hapesach serves as wall and it must conform to the manner in which people construct walls. Accordingly, since people

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hapesach must have an indication of a hinge, i.e. a pivot hole.

A Baraisa rules that a tzuras hapesach is constructed with a pole on each side of the opening and a third pole over the top of the other two.

R' Nachman rules that the crossbeam does not have to touch the side beams, as opposed to R' Sheishes who rules that they must touch the side beams.

R' Sheishes had an encounter with Rabbah bar Shmuel who demonstrated from a halachah regarding a mezuzah on an archway that the crossbeam does not have to touch the sidebeams.

As an aside, Abaye explains the dispute between R' Meir and Rabanan regarding an archway that has legs three tefachim high with a total height of ten tefachim but it narrows to less than four tefachim wide and there is room in the adjacent wall to carve out a four tefach width for the entire height. According to R' Meir we view the entrance as if it has been carved out and a mezuzah is required, whereas according to Rabanan we do not look at the entrance as if it was carved out and a mezuzah is not required.

4) MISHNAH: The Mishnah presents different opinions how to properly adjust a mavoi to permit carrying.

5) Clarifying the Mishnah

The Gemara clarifies that the Mishnah is discussing a closed mavoi, i.e. a mavoi closed on three sides.

The Gemara attempted to infer from Beis Shamai and Beis Hillel's ruling in the Mishnah their position regarding the number of walls necessary to create a private domain but was unsuccessful in its attempt.

An inquiry regarding R' Eliezer's position is presented. Does he require two l'chayayim and a korah, or just two lechayayim? The Gemara begins to deal with this inquiry. ■

construct walls that appear to their eyes straight without confirming that they are straight with the use of instruments it is sufficient for it to appear that the wire is above the l'chayayim. ■

1. שו"ת אבני ישפה ח"ב סי' מ"ג ענף ו'.

2. חכמת אדם בית אדם שער איסור והיתר שאלה ל"ד. ■

Gemara GEM

The height of a Tzuras Hapesach

The Avnei Nezer, Orach Chaim #291, proves that a tzuras ha'pesach need not be recognizable. He proves this from the Gemara's ruling here that there is no maximum height above which a tzuras hapesach is invalid, even though the Gemara (in parallel discussions both at the

beginning of Messeches Eruvin and at the beginning of Messeches Sukkah) states that the eye does not discern that which is above twenty amos.

However, Pri Megadim, Orach Chaim 363:19, states that when the tzuras ha'pesach incorporates a gud aseik [the halachic principle of "gud asek mechitzta" (literally: extend the walls up) creates imaginary lines directly up from the top of a lechi to an overhead cable – these imaginary lines may be drawn from

any point on the top of a rod or a barrel, and if any of these imaginary lines hit the cable overhead, we may view the barrel or rod as the lechi for the tzuras ha'pesach] there may not be a gap of twenty amos between the top of the barrel or other object used as a lechi and the overhead cable. Nevertheless, it is not clear whether this chumra is universally accepted l'halachah, as Mishnah Berurah 362:62, in discussing the parameters of gud aseik, omits Pri Megadim's ruling. ■

