

OVERVIEW of the Daf

1) The determining factor of a person's residence (cont.)

Rav maintains that where a person eats is the determining factor of his residence, and Shmuel maintains that it is the place where he sleeps.

Rav's position is unsuccessfully challenged.

A Baraisa records a dispute concerning wives and slaves who share a chatzer with their husband or master.

The Gemara asks about the status of a student who shares a chatzer with his rebbi.

The Gemara proves that a student who eats with his rebbi does not have to join the eruv.

2) Merging two chatzeiros

Abaye asked Rabbah: If the five residents of a chatzer want to send the eruv to merge with another chatzer, will one eruv suffice or do they have to send a separate for each one?

Rabbah answered that one eruv will suffice, and he explained why the case of the Mishnah involving the brothers was different.

3) Determining a person's residence for techum purposes

R' Chiya bar Avin asked R' Sheishes: Is a yeshiva student's residence, for techum calculations, determined by the place where they sleep or where they eat?

R' Sheishes responded that it is where they sleep, and he explains why this is different from the normal case where a person's techum is measured from the placement of the eruv.

4) A father and son or a rebbi and his student

Rami bar Chama asked R' Chisda three questions regarding the status of a father and son or rebbi and student who share a chatzer.

R' Chisda cited a Baraisa that addresses these issues.

5) MISHNAH: The issue of making an eruv as well as a shituf is discussed.

6) Clarifying the Mishnah

The Gemara notes that some parts of the Mishnah follow R' Meir who requires an eruv as well as a shituf whereas other parts follow Rabanan who only require one.

The Gemara explains how the entire Mishnah is consistent with R' Meir's opinion.

According to Rav's version of the Mishnah, the five chatzeiros did not open one to the other.

Abaye asked R' Yosef why Rav does not teach that the chatzeiros opened one to the other.

After dismissing R' Yosef's explanation, the Gemara explains Rav's reasoning. ■

Today's Daf Digest is dedicated

The Robinson family

In memory of their grandfather and great-grandfather

ר' יוסף חיים בן ר' שלמה, ע"ה

Gemara GEM

Where does a yeshiva bachur light Chanukah candles?

בעא מיניה רב חייא בר אבין מרב ששת בני בי רב דאכלי נהמא בבאגא ואתו ובייתי בבי רב כי משחינן להו תחומא מבי רב משחינן להו או מבאגא משחינן להו? אמר ליה משחינן מבי רב

The Gemara here relates a question that R' Chiya bar Avin asked R' Sheishes: Talmidim in a yeshiva that eat their meals in an inn in a valley but sleep in the yeshiva, from where are their 2000 amos of Techum Shabbos measured? Rav Sheishes responded that the Techum is measured from the yeshiva – i.e., from the place in which they sleep (see Shulchan Aruch, Orach Chaim 409:7). The Gemara subsequently explains that this is because, given the possibility, they would prefer to eat in the yeshiva.

The Gemara here equates eruvei chatzeiros with eruvei techumin, and on this basis the Magen Avraham (370:5) rules that a shepherd who eats his meals in town, but sleeps out in the field, does not have to be included in the town's eruvei chatzeiros – since his primary place is in the field (see Pri Megadim and Beir Halachah ad loc.).

Teshuvos Minchas Yitzchak (7:48; citing Moadim U'Zemanim 6:88) notes that the Taz (677:2) equates the parameters of eruvei chatzeiros and Chanukah. Hence, it is preferable for talmidim in a yeshiva to light the Chanukah candles in their dormitories, rather than in the dining room.

The Minchas Yitzchak does qualify his ruling: If the talmidim sleep at home and eat in the yeshiva, it cannot be said that, given the opportunity, they would prefer to eat at home – since going home might lead to Bittul Torah! Therefore, they should arrange to eat at home during Chanukah, so that they definitely may light candles there. However, if this might actually lead to Bittul Torah, they should then light in the yeshiva's dining room (see also Teshuvos Mishneh Halachos 11:538). ■

REVIEW and Remember

- How did R' Yehudah ben Bava know that slaves are considered members of their master's household?
- How did R' Sheishes differentiate between a regular eruv techumin, where residence is determined by the placement of food, and the yeshiva student where residence is determined by where he sleeps?
- When does R' Meir allow a shituf to cover the requirement for an eruv?
- Why did Rav not teach that the five chatzeiros opened one to the other?

HALACHAH Highlight

A guest betrothing a woman with the host's food

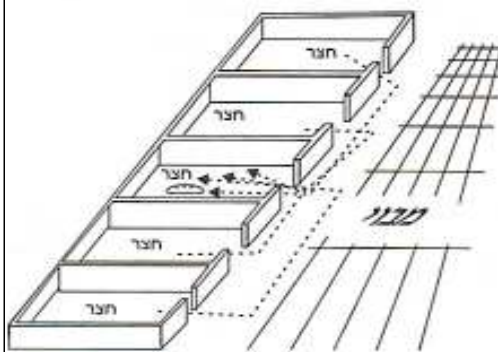
בני חבורה שהיו מסובין וכו'

A group of people who were eating etc.

R' Yehudah in the name of Rav teaches that if a group of people were eating together as Shabbos began, the bread that is on the table may be designated as the eruv, and in the opinion of others it may be relied upon as the shituf. Tosafos¹ explains that the Gemara refers to a host who invited guests to his home and although he did not explicitly convey ownership of the bread to his guests, they may, nevertheless, use the bread to make their eruv since it is considered as though the owner conveyed ownership to them. This explanation of the Gemara has relevance to a well-known dispute between halachic authorities.

Rema² rules that if a guest takes food from his host's table and gives it to a woman and betroths her with that food, the kiddushin is valid. The source for this position is Shiltei Gibborim³ who explains that the host is not particular if his guests decide to use his food to satisfy their needs. Taz⁴ challenges this ruling based on the Gemara in Chullin (94a) which teaches that a guest is not permitted to take the food that he is served and share it with his host's children unless he first asks permission. This ruling is codified in Shulchan Aruch⁵ as well. From these sources it seems evident that the food that guests are served does not become their own property to do with as they please. As such, if a guest gives food to a woman for betrothal it should not amount to anything more than doubtful kiddushin. Maharit⁶ also writes that guests may use the food

Daf DIAGRAM



שיתוף שמכניסו
דרך פתחים במבוי

The reason why Rav, according to R' Yosef, did not teach that the case of the five chatzeros open one to the other is be-

cause he holds that any shituf that is not carried in and out of the chatzeros through the entrances into the mavoi is not considered a valid shituf. ■

that a host serves for meal related purposes but not for non-meal related purposes. Although the host may not be particular if a guest uses the food for betrothal, that attitude does not necessarily convey ownership of the food to the guest and at best it constitutes doubtful kiddushin. Aruch HaShulchan⁷, however, points to our Tosafos as proof to Shiltei Gibborim that guests may even use the food for non-food related matters. ■

1. תוס' ד"ה בני חבורה.
2. רמ"א אה"ע סי' כ"ח סעי' י"ז.
3. שלטי גבורים קידושין פ"ב עמ' ס"א אות א'.
4. ט"ז שם ס"ק ל"ד.
5. שו"ע אור"ח סי' ק"ע סעי' י"ט.
6. שו"ת מהרי"ט ח"א סי' ק"נ.
7. ערך השולחן אה"ע שם סק"ה. ■

Distinctive INSIGHT

The Shabbos meal and the weekday meals

מקום פיתא

Tosafos Rabeinu Peretz notes that the halachah is that a residence for the sake of eruv is determined based upon where a person eats, and not where he sleeps (see Shulchan Aruch 370:5). Therefore, yeshiva students who sleep in houses other than where they eat do not need to participate in the eruv of the chatzeros where they sleep. In fact, if they eat at the house of their rebbe, they

do not have to participate directly in the eruv of the rebbe's chatzer either, because that is not their house. Even if they eat at the house of their rebbe only on Shabbos, but during the week they each eat in their rooms, the halachah still recognizes the place where they eat on Shabbos as the location where their residence is established for that day. This is also the ruling of Shulchan Aruch HaRav (306:6).

Rabeinu Yehonasan (22b in the pages of the Rif) understands that the place where a person eats regularly throughout the week is what determines his residence. He explains that the case of the brothers who sleep at home and receive

food or monetary gifts from their father (72b) is where they receive these portions daily. This suggests that we evaluate their status based upon their daily routine, and not only where they eat on Shabbos. Finally, Aruch HaShulchan (370:17) explains that the eating which determines the residence of a person is where he eats a set meal (אכילת קבע), and not just where he grabs a bite here and there on the run (אכילת רגל). Therefore, if they eat lightly in their rooms all week, but on Shabbos they eat a full and set meal together, their residence follows their Shabbos meal. ■

