

OVERVIEW of the Daf

1) The Mavoi

The Gemara records a dispute between Rav, Shmuel and R' Yochanan regarding the conditions necessary to qualify as a mavoi.

It is noted that R' Yochanan's opinion is consistent with another ruling of his.

R' Elazar questioned Shmuel's ruling from another statement Shmuel made and Shmuel was silent.

The Gemara wonders whether Shmuel's silence is an indication that he accepted the refutation or not. The issue is not resolved.

2) A mavoi shared by a non-Jew and many Jews

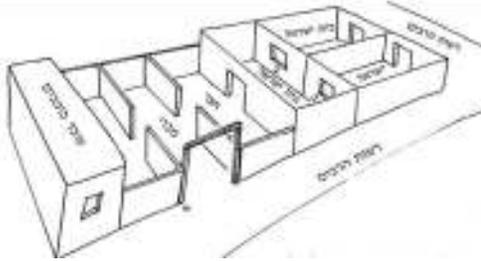
R' Yehudah in the name of Rav ruled: A shituf may not be made for a mavoi that has a non-Jew living on one side and Jews on the other side.

Abaye asked R' Yosef whether the same ruling would be true if

Daf DIAGRAM

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א"ר יהודה אמר רב מבו
שצדו אי עכו"ם וצדו אי
ישראל אין מערבין אותו
דרך חלונות להתיירו דרך
פתחים למבוי



R' Yehudah in the name of Rav rules: If on one side of the mavoi lives an idolater and on the other side lives a Jew whose house attaches, by windows, to the homes of other Jews, an eruv may not be made by the Jewish residents to merge their houses to permit carrying from the inner houses to the mavoi. ■

REVIEW and Remember

1. How does R' Yochanan differentiate between a ruin and a vineyard path?
2. What was R' Elazar's question against Shmuel from the Mishnah?
3. What circumstance changed that led Ivus bar Ihi to make an error?
4. Why did Abaye think that Rav's ruling might only apply to a mavoi?

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Gemara GEM

Understanding Ivus bar Ihi and Rav Anan

והכא חזנא הוא דהוה אכיל נהמא בביתה, ואתי ביית בבי כנישתא. ואיבות בר איהי סבר: מקום פיתא גרים. ושמואל לטעמיה, דאמר: מקום לינה גרים.

S efer Yad Shaul (Vol. 2, Yoreh De'ah, #286:3) discusses whether it would be required to place a mezuzah upon the door of a shul if there is an apartment situated in the shul.

Our Gemara tries to clarify the view of Shmuel, and whether he allows carrying in a mavoi (by placing a lechi/pole in it) only if it has two chatzeiros open to it (with two houses open to each), or whether he allows this even if the chatzeiros have only single-dwellings open to them. The Gemara brings a story of a chatzer where Ivus bar Ihi lived, and it was open to a mavoi which had only one other chatzer open to it. That chatzer had a synagogue in it, and that synagogue had an apartment in it, which was occupied. Shmuel had authorized that the mavoi could be fixed with a lechi/pole. This seems to prove that Shmuel allows a mavoi to have even a single occupant and to be eligible for a lechi.

However, the Gemara notes that there was a sexton of the synagogue who ate at his own home, but then came to sleep in the shul. After the death of Shmuel, the sexton no longer came to sleep in the shul. Ivus bar Ihi felt that the residence of a person is determined by where he eats, and therefore the attendant of the shul who only slept there was never a factor in the residence of the chatzer of the shul. With his now being absent, nothing had changed, and the mavoi with its lechi should have still been valid.

Rav Anan came and dismantled the lechi. He knew that Shmuel held that one's residence in a chatzer is a function of where one sleeps (see 73a), and that Shmuel had only permitted the mavoi to be fixed with a lechi was due to the chatzer having two residents, the occupant of the apartment and the sexton, who slept there. Now that the sexton no longer slept there, the mavoi could no longer be used for carrying.

What caused Ivus to misunderstand and think that where one eats determines his residence? Perhaps we can say that the shamash not only cleaned and maintained the shul, but he also served as a guard, and it was therefore necessary for him to stay overnight in the shul. If the shamash could sleep in the shul in

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HALACHAH Highlight

Storing the eruv in a Beis HaKnesses

עד שיהו בתים וחצירות פתוחין לתוכו

Until houses and courtyards open to it

The Gemara discusses the case of a Beis HaKnesses that opens to a mavoi. The halachah is that a mavoi could be adjusted with a lechi or korah only if there are houses and chatzeiros that open to the mavoi and the question is whether a Beis HaKnesses is considered a house for this purpose. Rema¹ writes that the ancient custom was to place the eruv in the Beis HaKnesses. He suggested that the rationale behind this position is that our eruv in reality is a shituf and for that reason it is unnecessary for it to be placed in a residential building and may be stored even in a non-residential area such as a chatzer, and a Beis HaKnesses has the status of a chatzer.

Mishnah Berurah² explains that Rema is troubled by the custom to place the eruv in the Beis HaKnesses when the eruv must be placed in a residential building, meaning a place where people eat and due to its sanctity it is prohibited to eat in a Beis HaKnesses and thus it is not a residential building. In response to this concern, Rema explains that the custom could be justified by the fact that our "eruv" is in reality a shituf for a mavoi since it combines numerous houses and yards and a shituf does not have to be placed in a residential structure, just a place where the food will be protected. Bach³ challenges this rationale based on the following logic. If our eruv serves the dual role of a shituf and an eruv the requirement that it should be stored in a residential building should apply and it should not be acceptable for it to be stored in the Beis HaKnesses. He answers that in reality our eruv does serve as the eruv and shituf but the decision was to store it in the Beis HaKnesses since there are authorities who maintain that just like an eruv must be stored in a residential building, so too a shituf must be in a non-residential building. Being that it cannot satisfy both needs fully it was decided that it should be placed in the Beis HaKnesses. One of the reasons is that we no longer have houses that lead to chatzeiros that lead to a

(Insight...Continued from page 1)

order to guard it properly, this would also allow him to eat there, as well. We could not expect him to stay there for extended hours without eating.

The Gemara (73a) taught that shepherds who sleep out in the fields with their flocks are to have their eruv measured from the field, and not from the city, where they sometimes go to eat. Yet, this did not prove that an eruv is measured from where one sleeps, because although these shepherds eat in the city, we know that they would certainly prefer if the food would be brought out to them in the field. Therefore, the field is not only considered the place where they sleep, but it is considered the place where they eat, as well. Similarly, even in our case where the shamash of the shul slept in the shul and ate at home, the shul could be defined as the place where he eats as well, because we know that this person would prefer to eat where he guards, and not be bothered to go home to eat.

This being the case, why was Ivus wrong? We must say that we do not consider a place to be an eating station unless one actually eats there, and we do not rely upon the fact that the person would prefer to have his food brought to where he is working. Although this is the way we looked upon the shepherds on 73a, here by a shul it is different. It is generally unacceptable to eat in a shul, and it is especially inappropriate to eat bread and to have an official meal in a Beis HaKnesses.

Rav Anan, however, knew that Shmuel had allowed the eruv due to the sleeping arrangements of the shamash, and now that the shamash no longer slept in the shul, Rav Anan dismantled the lechi and the eruv. The shamash was no longer a member of the chatzer, for he did not sleep or eat there anymore. ■

mavoi. Since our houses lead to the mavoi directly it makes more sense to satisfy the mavoi obligation of making a valid shituf than to make an eruv and thus it is preferred to leave the food in the Beis HaKnesses. ■

1. רמ"א או"ח סי' שס"ו סעי' ג'.
2. מ"ב שם ס"יק כ"ט.
3. ב"ח סי' שפ"ו סעי' ב'.

Distinctive INSIGHT

Eruv and Mezuzah

ואיבות בר איהי סבר מקום פיתא גרים ושמואל
לטעמיה דאמר מקום לינה גרים

The Gemara cites the dispute as to the determination of a person's primary "place" for the purposes of participation in an eruv: Is the person's place to eat primary, or his place to sleep primary?

Teshuvos BeTzel HaChochmah (3:84) asserts that this definition is applicable to the laws of mezuzah as well: Only rooms that can be classified as a place for eating or

a place for sleeping (or a room that serves as a passageway into one of these rooms) needs to have a mezuzah. Hence, rules the BeTzel HaChochmah, the doors of elevators are exempt from mezuzos: the elevators are not places of eating or sleeping (nor can they be liable to have a mezuzah as a room leading into one of these rooms, as the impermanence of the elevator cabin's location precludes its doors from being considered a passageway).

However, Teshuvos Avnei Nezer (in several responsa – see, for example, Yoreh Deah §382) suggests that the parameters of mezuzah are not comparable to the parameters of eruv. Hence, a room used by a woman to

apply cosmetics and to beautify herself is liable to have a mezuzah, even though she never sleeps nor eats there. It must be, asserts the Avnei Nezer, that it is only because eruv is a Rabbinic enactment that a more lenient standard is applied here and that a place need not be taken into account unless it serves for eating or sleeping. ■

(Overview...Continued from page 1)

the case involved a chatzer rather than a mavoi and R' Yosef responded in the affirmative.

Abaye explains why one might have thought that a case of a chatzer would be different than a mavoi. ■