

גליון זה הוקדש לז"נ אלימלך חיים בן ירמיהו הלוי ז"ל - נפטר כ' חשון תשס"ב - תנצב"ה

This issue has been dedicated by Debbie & Elliot Gibber

In memory of our dear father, MR. CHARLES GOLDNER



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עירובין דף מ-נח/ יב חשון תשס"ו

דף מ:

דילמא אתי למיסרך

The Gemara concludes that the *bracha* of *shehecheyanu* should be recited for all festivals including Rosh Hashana and Yom Kippur. Although *shehecheyanu* is generally recited over a cup of wine (i.e., during Kiddush), on Yom Kippur when it is forbidden to eat or drink, the Gemara says that it is recited without wine.

The Gemara explains that the sages did not recommend reciting *shehecheyanu* on Yom Kippur over a cup of wine and giving the wine to a young child to drink, because of a concern that he may get accustomed to this [improper] practice (דילמא אתי למיסרך). Rashi explains that we are concerned that the child might continue to drink on Yom Kippur even after he reaches adulthood.

The Rashba explains that even if the child realizes that adults are obligated to fast on Yom Kippur, we are concerned that he might think that *shehecheyanu* wine is an exception. He might continue the practice of reciting *shehecheyanu* over wine on Yom Kippur, unaware that only children are permitted to drink the *shehecheyanu* wine.

Tosfos, citing Rabbeinu Shmuel, asserts that the concern of דילמא אתי למיסרך applies only to a practice which recurs annually, such as *shehecheyanu* on Yom Kippur. However, in the event that a *bris milah* falls on a fast day, it is permitted to have a child drink from the כוס של

(cup of wine upon which the blessings are recited) since this is not an event that recurs at regular intervals.

The Rashba disagrees and maintains that whether it is a recurring event or not, we never request children to violate an issur on behalf of adults. [He explains that feeding children meals on Yom Kippur is permitted because it is for the child's welfare. However, it is prohibited to ask a child to drink wine on behalf of adults.¹] The Rashba, citing the Gaonim, states that when a *bris* is performed on Yom Kippur or on Tisha b'Av, we do not recite the blessings over a cup of wine. Rather, some myrtle branches are brought and [after reciting the regular *bris milah* blessings] the blessing of בורא מיני בשמים is recited over the myrtle fragrance.²

Indeed, the Shulchan Aruch³ rules that when a *bris milah* is performed on Yom Kippur, the *bris* blessings should be recited without a cup of wine - as stated in our Gemara with regard to the blessing of *shehecheyanu*.

Interestingly, the Ramoh, citing the Kol Bo, writes that our custom regarding a *bris milah* on Yom Kippur is to recite a *bracha* over wine. However, the wine is not given to a boy but rather a drop of wine is dripped into the newly-circumcised infant's mouth.⁴

The Taz explains that we do not give the wine to an older child because of the concern of דילמא אתי למיסרך as our Gemara says. The *Ramah* is of the opinion, however, that this

concern only pertains to a child who is old enough to understand and remember such an episode, but this concern does not pertain to a several-day-old infant who will not remember anything.⁵

דף מא: הלכה מתענין ומשלימין

The Gemara (beginning of 41a) relates of an incident whereby a public fast day fell on *Erev Shabbos* and R' Akiva ate an egg late Friday afternoon before nightfall. R' Akiva was of the opinion that entering Shabbos in a state of hunger is a violation of the mitzvah of oneg Shabbos and therefore he ate before nightfall. R' Yosi disagreed and maintained that even when a fast falls on *Erev Shabbos* the law is משלימין - one must complete the fast [one must fast the entire day until after nightfall].

In conclusion, the Gemara (42b) cites Mar Zutra who rules in the name of Rav Huna that a fast should be completed even when it falls on *Erev Shabbos*.

The definition of משלימין - completing [a fast] - is subject to dispute:

(a) The Ravad⁶ maintains that the topic of the dispute is whether one may eat before sunset on *Erev Shabbos*. However, all agree that if one comes home from shul Friday night after sunset he may immediately break his fast, even before nightfall. The Ravad argues that since Shabbos begins at sunset, according to all opinions one may not continue the fast after that point.

(b) The Maharam of Rothenburg⁷ maintains that once *Maariv* (on Friday evening) is recited, even if before sunset, one may not continue fasting because one accepts the sanctity of Shabbos upon reciting the Shabbos *Maariv* on Friday evening even if it is still daytime (תוספות (שבת). When R' Yosi says that one must complete his fast on *Erev Shabbos* he means one may not break the fast before maariv. [R' Akiva is of the opinion that one may break his fast during the daytime, even before *maariv*, because it is disrespectful to enter Shabbos in a famished state.⁸]

(c) The Rosh⁹ disagrees and is of the opinion that R' Yosi (whom the *halacha* follows) requires that one fast until צאת הכוכבים - nightfall.

There is another fundamental dispute between Tosfos and Tosfos Shantz:

(d) Tosfos (ד"ה והלכתא) maintains that the disagreement between R' Akiva and R' Yosi centers on whether one is permitted to complete a fast on *Erev Shabbos*. R' Akiva is of the opinion that it is prohibited for one to complete the fast because one may not enter Shabbos while in a state of hunger and suffering. R' Yosi rules leniently and permits one to complete his fast. Accordingly, even according to R' Yosi's view one is not obligated to fast until nightfall, he merely has the option of doing so.

(e) Tosfos Shantz¹⁰ disagrees and maintains that R' Yosi obligates one to continue his fast until nightfall and this is not merely optional.

The Shulchan Aruch¹¹ rules that when a fast-day falls on *Erev Shabbos* one must continue fasting until nightfall. [According to the Jewish calendar the only public fast day that sometimes falls on *Erev Shabbos* is עשרה בטבת (the fast of the 10th of Teves).¹²]

דף מב.

מהלך אלפים פסיעות בינוניות זו היא תחום שבת

1] The Gemara says that if a person wants to take a walk and does not know where the *techum* Shabbos (Shabbos boundary) is, he may take 2,000 average-sized steps. Rashi explains that an average-sized step is an *amah* (approx. 1.5 - 2 feet) and therefore as long as one does not walk more than 2,000 steps he may assume that he has not overstepped the 2,000-*amah techum* Shabbos.¹³

The Mirkeves HaMishna¹⁴ maintains that even a tall person may walk 2,000 steps because the size of an *amah* (regarding *techum* Shabbos) is not uniform; rather it varies according to the stride of each individual. Thus, a tall person with a large stride is permitted to walk farther than a short person.

The Biur *Halacha*¹⁵ disagrees and is of the opinion that the 2,000-*amah techum* Shabbos is uniform. A tall person may not walk 2,000 steps at his normal gait because he will exceed the 2,000-*amah* boundary. Conversely, he says,

a very short person is permitted to take more than 2,000 steps since his stride is smaller than an average-sized man.

2] The Mishna below on 57b describes very specific guidelines as to how to measure the Shabbos boundary to ensure accuracy. For example, the Mishna says the boundary must be measured with a rope that is exactly 50 *amos* long which is held chest high. [The Gemara there explains why these regulations are vital for ensuring accurate measurements, see Al Hadaf below on נח דג.]

The Biur *Halacha*¹⁶ explains the reason our Gemara permits one to rely on counting footsteps, which obviously is not an accurate method of measuring, is that the Gemara is referring to a traveler who was stranded in a field for Shabbos.¹⁷ For lack of a better method, the sages permitted him to measure the *techum* through counting his steps. However, people living in a city must measure the Shabbos boundary via the method described in the Mishna and Gemara below. City dwellers are not permitted to estimate the boundary by counting footsteps.¹⁸

3] The Gemara in Shabbos 157b states that it is rabbinically prohibited to measure on Shabbos. Why then, is it permitted for one to measure the *techum* on Shabbos by counting his footsteps?

The Ritva explains that the Gemara is referring to one who must travel for a mitzvah matter and the Mishna and Gemara (Shabbos ibid.) permit measuring on Shabbos for the sake of a mitzvah.¹⁹

דף מג:

אי יש תחומין למעלה מ' לא אתי אליהו בשבת

Rav Chananya inquired whether the law of *techum* Shabbos applies to someone travelling למעלה מעשרה - higher than ten *tefachim* from the ground. The case in question, explains the Gemara, is one who flies through the air (through supernatural means) at a height of more than ten *tefachim*, or one who travels in a ship cruising in a body of water that is more than ten *tefachim* deep. [The Gemara leaves this question unresolved.²⁰]

The Gemara, based on the posuk, Malachi 3:23, והנה אנכי שולח לכם את אליה הנביא וגו' (and behold I will send you Eliyahu Hanavi etc.), says that Eliyahu Hanavi will arrive one day before Mashiach to announce Mashiach's arrival. The Gemara says that if the law of *techum* applies למעלה מעשרה - above ten *tefachim* - then Mashiach and Eliyahu will not appear on Shabbos, because their coming entails travelling farther than the *techum* Shabbos. [Moreover, as a result of this, Eliyahu cannot arrive on Friday either (to announce Mashiach's imminent arrival), since Mashiach cannot travel on the following day, Shabbos. Also, since Eliyahu cannot come on Shabbos to announce Mashiach's next-day arrival, Mashiach will not arrive on Sunday.]

Many of the *zemiros* composed for *Motzo'ei Shabbos* center on the theme of Eliyahu Hanavi. Indeed the Tur²¹ states that it is customary to mention Eliyahu Hanavi on *Motzo'ei Shabbos* and to pray for his imminent arrival.

The Baal HaManhig²² explains that this custom is based on our Gemara which states that Eliyahu Hanavi cannot arrive on Friday or Shabbos because this would involve a violation of the law of *techum* (according to the opinion that the law of *techum* applies even above ten *tefachim*). Therefore, immediately after Shabbos when it is once again possible for Eliyahu Hanavi to come, we reaffirm our faith in his arrival.

The Shulchan Aruch²³ states that at a *bris milah* ceremony it is customary to designate a chair in honor of Eliyahu Hanavi and to announce, "זה כסא של אליהו" - "This is the seat of Eliyahu Hanavi." This custom is based on a *Midrash*²⁴ that states that Eliyahu attends all *brisim*.

The Chasam Sofer²⁵ wonders why this custom is practiced even on Shabbos. According to the Sefer HaManhig's reasoning, this custom should be omitted on Shabbos because Eliyahu cannot come on Shabbos.

In answer, the Chasam Sofer distinguishes between when Eliyahu Hanavi appears only in spirit form and when he appears as an ordinary human being (i.e., with body and soul). When

Eliyahu Hanavi appears only in spirit form, such as at a *bris*, he is considered as an angel and he is not subject to the laws of the Torah. Therefore he is not restricted from travelling beyond the *techum* Shabbos to attend a *bris*.²⁶

However, before the advent of Mashiah, Eliyahu's neshama from above will reunite with his body (which is currently in *גן עדן התחתון* - the "Lower Garden of Eden") and he will appear as a human. When Eliyahu appears in human form he is obligated to observe the Torah laws and is not permitted to travel beyond the *techum* Shabbos.²⁷

דף מד:

בענין מחיצת בני אדם

- If a Jew knowingly desecrates Shabbos and builds *mechitzos* (fences or walls) around an open area, one may not carry within those walls because it is forbidden to benefit from the desecration of Shabbos (Gemara 25a).
- If *mechitzos* were erected on Shabbos *בשוגג* - unwittingly - (e.g., the builder did not realize that it was Shabbos), or if they were erected by a non-Jew, one is permitted to utilize the *mechitzos* and carry in that area, since their construction did not involve (deliberate) Shabbos desecration.²⁸

The Gemara says that a human wall formed by people standing side by side is a halachically valid *mechitzah*. The Gemara, in fact, relates that based on this *halacha*, Rava's attendant once carried vessels through the street on Shabbos, for he was surrounded by throngs of people (coming from Rava's lecture) who formed a human fence (enclosure) around him.²⁹ Since the formation of such a *mechitzah* does not involve a melacha, one may utilize it even if it was formed on Shabbos (because it is similar to a *mechitzah* that was formed on Shabbos *בשוגג* - unwittingly).

The Gemara, however, restricts the use of human *mechitzos* to when the participants (i.e., the people formed the human wall) are unaware that they are functioning as a legal *mechitzah*. The sages prohibited forming a human *mechitzah* in a conspicuous manner for it may lead to laxity regarding the issur of *hotza'ah* (carrying on Shabbos).³⁰

Alternatively, the sages forbade people to deliberately partake in forming such a *mechitzah* because it resembles the melacha of *בונה* - construction. When such an enclosure is formed deliberately, the enclosure is classified as a *mechitzah* that was erected *במזיד* (deliberately) which may not be used on Shabbos.³¹

Thus, one may carry by means of human *mechitzos* only if many people happened to be gathered in a certain area without realizing that they are functioning as *mechitzos*. Alternatively, one can assemble a crowd under a pretext without informing them of the true purpose of their assemblage.

The Ritva maintains that if the people were originally gathered *שלא לדעת* - unaware [of their function] - they may be relied on as a *mechitzah* even if they subsequently discover that they are functioning as *mechitzos*.³²

The Pri Megadim³³ suggests that perhaps it is permitted for a crowd to gather *before* Shabbos with the intent to form a *mechitzah* and permit carrying on Shabbos.

The Ramoh,³⁴ citing the Shibolei Haleket, discourages the use of human *mechitzos* today and asserts that they may not be used except under extenuating circumstances.

The Meiri, citing the Ravad, explains that human *mechitzos* may be used only under discreet conditions (i.e., where the participants are not aware of their function). Since people today are generally *not* very discreet and they do not guard secrets very well we are concerned that one of the people forming the *mechitzah* will invariably be apprised of the fact that he is functioning as a halachic *mechitzah*. Therefore this method of forming a *mechitzah* to permit carrying on Shabbos is no longer sanctioned.

דף מה.

מי שישן בדרך יש לו אלפיים אמה לכל רוח

- As explained several times above, a person is permitted to walk within 2,000 *amos* of his place of *שביתה* (Shabbos residency) on Shabbos. If one walks beyond this boundary on Shabbos,

he must stop and remain in his place (i.e., within four *amos* of the place he stopped) until after Shabbos.

- One who spends Shabbos on the road or in a field establishes his place of *shevisa* (residence) at the site of his stopover and he is permitted to walk 2,000 *amos* from that site.

The Chachamim (Mishna, end of 45a) are of the opinion that a traveler must consciously establish his place of *shevisa* at the site of his stopover. If a traveler happens to be sleeping when Shabbos arrives (meaning, during *bein hashmoshos* - twilight), he does not acquire a place of *shevisa*. Consequently, upon awaking the traveler is prohibited from leaving the site of his nap for the entire Shabbos.

The *halacha*³⁵ follows R' Yochanan ben Nuri who says that even if a man was sleeping during the onset of Shabbos he is permitted to walk 2,000 *amos* in either direction from the site of his nap.

The Gemara indicates that R' Yochanan ben Nuri is of the opinion that an individual acquires *shevisa* (at the site of his stopover) even without deliberate intent. Therefore, he holds that one establishes *shevisa* even while asleep ("הואיל וניער קנה, ישן נמי קנה").

The Keren Orah notes that the Yerushalmi understands the reasoning for R' Yochanan ben Nuri's *halacha* differently. The Yerushalmi states that an individual who completed his conversion to Judaism on Shabbos morning (by immersing in a mikveh) is permitted to walk 2,000 *amos* in either direction from the location of his conversion. Even though the ger (convert) did not acquire *shevisa* at the onset of Shabbos, the Yerushalmi likens him to a sleeping man, in that both were unable to acquire *shevisa* at the onset of Shabbos. The Yerushalmi seems to say that just as a sleeping man acquires *shevisa* upon awakening (for that is the first moment he is capable of acquiring *shevisa*), so too, a ger acquires *shevisa* upon his conversion (for that is the first moment he is capable of acquiring *shevisa*).

According to the Yerushalmi, if a sleeping person is transported in his sleep [on Shabbos] to another spot, he acquires *shevisa* at the site he finds himself upon awakening and he is

permitted to walk 2,000 *amos* in either direction from the new spot.

On the other hand, according to our Gemara, a sleeping person acquires *shevisa* at the onset of Shabbos. If he is somehow transported in his sleep (after the onset of Shabbos) to another location, he must remain within a 2,000-*amah* radius of his original location, which is the spot he was sleeping at when Shabbos arrived.³⁶

דף מו.

מֵאָה בְּעֵבִים מִיְנָד נִיִּידִי

- The law of *techum* not only restricts a person from leaving his 2,000-*amah* boundary, it restricts his possessions as well. If Reuven and Shimon establish *shevisa* at different locations, Shimon may not take an item belonging to Reuven and remove it from Reuven's *techum*.

The Gemara on 45b cites a dispute regarding ownerless objects. The Chachamim are of the opinion that ownerless objects have no *techum* until someone acquires them - at which point they are subject to the owner's *techum* (חפצי הפקר אין קונון שביתה).

R' Yochanan ben Nuri maintains that ownerless objects acquire *shevisa* on the eve of Shabbos at the location they are situated, and they may not be moved more than 2,000 *amos* from that location. In the event that they were removed from their *techum*, they must be allowed to remain in their new resting place for the remainder of Shabbos, just as a person who leaves his *techum* must remain in his place.

[Note: The discussion regarding the *techum* of objects is particularly significant on Yom Tov when carrying is permitted. Also, it pertains to garments which can be transported (via wearing) from one site to another even on Shabbos.]

The Gemara (45b) cites a braysoh which says that rain which falls on Yom Tov obtains the *techum* (boundary) of the person who acquires the rain.³⁷ The Gemara asks that according to R' Yochanan ben Nuri (whom that braysoh follows³⁸), rain should establish *shevisa* at whatever location it was situated at on the eve of Yom Tov. If the rain clouds were more than

2,000 *amos* away from where the rain fell, it should be prohibited to move the rain from the spot where it was found.

In answer, the Gemara (46a) postulates that objects *in motion* do not acquire *shevisa*. Since the clouds constantly move, the rain contained therein on the eve of Shabbos or Yom Tov does not acquire *shevisa* while in the clouds. The rain does not acquire *shevisa* until later on Shabbos when it falls to the ground (and is taken by someone). Likewise, explains the Gemara, water that is taken from a running stream on Shabbos acquires the *techum* of the individual who takes it. It does not acquire *shevisa* during *bein hashmoshos* since it was in motion at that time.³⁹

The Mishna above on 41b indicates that if a ship docks on Shabbos, one may not disembark unless the ship was within 2,000 *amos* of the port when Shabbos dawned. However, if it sailed more than 2,000 *amos* after that point, one may not disembark because he is beyond his *techum* Shabbos.

The Rishonim question why a seafarer acquires *shevisa* during *bein hashmoshos*. Since he is on a ship which is in motion, he should not acquire *shevisa* until his ship docks.

The Rashba (43b) answers that evidently the Mishna is referring to a ship that was at a standstill during *bein hashmoshos*. However, if a ship is in constant motion at the onset of Shabbos and then docks on Shabbos, the people on the ship may disembark and walk 2,000 *amos* from the port.⁴⁰

The Biur *Halacha*⁴¹ notes that the Shulchan Aruch, in codifying the *halacha* regarding the *techum* for people on a ship, does not stress that one acquires *shevisa* at sea only if the ship is stationary. The words of the Shulchan Aruch imply that people on a ship acquire *shevisa* even while the ship is in motion. The Biur *Halacha* suggests that this is so because the people on the ship are not considered moving *in relationship to the ship*. Even though the ship is in motion, the people on the ship are considered stationary (see Bava Metzia 9b, ספינה מינה ניחא, (ומיא הוא דקא מסגי תותא).⁴²

דף מז:

חפצי נכרי קונין שביתה

גזירה בעלים דנכרי אטו בעלים דישראל

- If Reuven established *shevisa* (Shabbos residency) at site A and Shimon established *shevisa* at site B 1,000 *amos* to the east of Reuven, they are permitted to visit each other on Shabbos because their place of *shevisa* is within 2,000 *amos* of each other, but they each have a different *techum* - Shabbos boundary. For example, Shimon is permitted to visit site C which is 1,500 *amos* east of his residence and is within his Shabbos *techum*. However, Reuven may not visit site C because it is 2,500 *amos* from his *shevisa* and thus is beyond his 2,000-*amah techum*.

As explained above on דף מז, the law of *techum* applies to objects as well as people. An individual's possessions may not be removed out of his *techum*. Shimon may not take Reuven's item with him to site C because it is beyond its owner's (Reuven's) *techum*.

[Note: The discussion regarding the *techum* of objects is particularly significant on Yom Tov when carrying is permitted. It is also significant on Shabbos with regard to garments which can be transferred by means of wearing them.⁴³]

The Gemara on 45b cites a dispute regarding ownerless objects. The Chachamim are of the opinion that ownerless objects have no *techum* until someone acquires them, at which point they are subject to the finder's *techum* (חפצי הפקר אין קונין שביתה). If, for example, Shimon finds an ownerless object 1,000 *amos* west of his residence (e.g., at site A) he is permitted to take the item 3,000 *amos* eastward to site C since that is within his personal *techum*.

R' Yochanan ben Nuri maintains that an ownerless object acquires *shevisa* wherever it is located on the eve of Shabbos and it may not be moved more than 2,000 *amos* from that point. Furthermore, if the finder removes the object from its *techum* (e.g., Shimon finds an object at site A and takes it to site C, which is 3,000 *amos* away), the object is confined to its place (i.e., within a four-*amah* area) for the remainder of Shabbos, just as a person who leaves his *techum* must remain in his place.

The Gemara reasons that possessions of a non-Jew should be treated as ownerless objects with regard to the law of *techum* because a non-Jew does not acquire *shevisa* (since he is not subject to the laws of *techum*). Thus, according to the Chachamim, if an individual acquires an object from a non-Jew on Shabbos, the item should be subject to the Jewish owner's *techum*, not to the *techum* of the non-Jew (or to the *techum* of the object).

R' Yochanan asserts, however, that due to a *gezeira* (rabbinic decree), the possessions of a non-Jew are subject to *techum*, lest one confuse an object owned by a Jew with an object owned by a non-Jew. [The rabbis were concerned that if the objects of a non-Jew are not subject to the law of *techum*, people might think that objects belonging to a Jew are also not subject to *techum*.]⁴⁴

The Gaon Yaakov⁴⁵ is of the opinion that because of R' Yochanan's *gezeira*, an object of a non-Jew acquires *shevisa* at the site of its **owner**. If at the onset of Shabbos the non-Jewish owner happens to be at site C and his object is located 3,000 *amos* away at site A, the item may not be removed from its place because it is laying outside the *techum* of the owner (and an item which is beyond its *techum* may not be moved more than four *amos*⁴⁶).⁴⁷

The Bais Meir⁴⁸ disagrees and maintains that since the concept of Shabbos residency is not applicable to a non-Jew, it is illogical to give the object the *techum* of its owner (since its owner does not have a *techum*). Rather, the Gemara means that a non-Jew's object acquires *shevisa* at the **object's** location (during *bein hashmoshos* - twilight) regardless of where the owner is situated at the time.⁴⁹

דף מח.

חרם שבין תחומי שבת

צריך מחיצה של ברזל להפסיקו

1] The Gemara says that if there is a pond of water between two cities, and the respective *techumin* (Shabbos boundaries) of the cities meet in the middle of the pond, it is prohibited to draw water from the pond unless there is a partition constructed in the pond between the two boundaries.⁵⁰ The reason for this

requirement is a concern that some water from side A of the pond might move (on Shabbos) to side B, and people from city B might draw that water on Shabbos. Now, since that water was originally within the *techum* of city A at the onset of Shabbos, the water acquires *shevisa* with the people of city A and the water may not be removed from the boundary of city A.⁵¹ If that water moves out of the boundary of city A (to side B of the pond) it may not be removed from its place on Shabbos, because items that leave their *techum* may not be moved more than four *amos* for the duration of Shabbos.

Tosfos (47b, ד"ה חרם, following the textual reading found in our Gemaras at the beginning of 48a, (אילימא משום דתני לה כריב"י, explains that a partition in the pond is required only according to R' Yochanan ben Nuri who holds that ownerless objects acquire *shevisa* at the onset of Shabbos. However, according to the Chachamim (whom the *halacha* follows), no partition is necessary because the water in the pond is *hefker* (ownerless) and it does not acquire *shevisa* until someone takes possession of it.

The Shulchan Aruch⁵² is of the opinion that even according to the Chachamim a partition in the pond is required. The Gemara says above (45b) that rainwater which gathers in a pool near a city is subject to the *techum* of the city even according to the Chachamim. Such water is not considered *hefker* because the townspeople have in mind to use it all along. Therefore the rainwater acquires the *techum* of the city and may not be removed beyond the city's boundary. Hence, even according to the Chachamim a partition is required, to ensure that the waters on opposite sides of the pond do not mingle (see Tosfos⁵³).

קל הוא שהקילו חכמים במים

2] The Gemara explains that it is sufficient to divide the pond by suspending a ten tefach-high partition of reeds in the water to mark the place where the two boundaries meet. Even though such a partition does not actually prevent the water from passing between (and below) the

reeds, nevertheless, the sages were lenient regarding water partitions (and they did not require a watertight division).

There are two reasons given for this leniency:

(a) The Ravad⁵⁴ explains that since the pond-water is generally more than ten *tefachim* deep, the sages were not too concerned about the possibility of water moving beyond its *techum* because (according to some opinions cited above on מג דף - אין תחומין למעלה מעשרה - the law of *techum* does not apply in airspace above ten *tefachim* from the ground. Water that is situated (during *bein hashmoshos*) more than ten *tefachim* from the ground does not acquire any *shevisa*. Even if it moves from one side of the pond to the other it may be taken and carried into the city because it acquires the *techum* of the person who takes it. Since the requirement to erect a partition in the pond is merely an added stringency, the sages relaxed this requirement and permitted a partition of reeds.

The Rashba disagrees and maintains that water that is in a pond is not considered to be למעלה מעשרה - above ten *tefachim* - even if it is a very deep pond, because the entire body of water is viewed as one entity. Since the body of water rests on the ground below the pond, all the water is considered to be below the height of ten *tefachim*. Accordingly he argues that the water in a pond, lake or sea does indeed acquire *shevisa* regardless of the water's depth (cf., Tosfos above 45b, ד"ה ליקנו).

(b) The Rashba explains that the sages relaxed certain requirements when erecting a partition to divide a pond because water is an essential staple which people cannot live without.

דף מט:

מי שבא בדרך ומכיר אילן או גדר
ואמר שביתתי תחתיו לא אמר כלום

As explained above on דף לו, a person can change his place of *shevisa* (through establishing an *eruv*) in one of two ways. (a) By placing food (for the sake of *eruv*) at a selected location within 2,000 *amos* from his home. This is called עירוב בפת (an *eruv* established with bread).

(b) Instead of placing food at the selected site, one can establish *shevisa* by going to the *eruv*-site before Shabbos and remaining there during *bein hashmoshos*. This type of *eruv* is called עירוב ברגליו (an *eruv* established by walking to the site before Shabbos).

If one is traveling on the road and is within four thousand *amos* of his hometown when Shabbos arrives, he is permitted to walk home on Shabbos provided he establishes an *eruv* midway between his current location and his house. If it is difficult for him or his shaliach (agent) to reach the midway point before Shabbos to establish the *eruv*, the Mishna says that he can establish the *eruv* without even going to the site. He merely has to declare his intention to establish *shevisa* at the *eruv*-site (i.e., the midway point). [Note: The *halacha* follows the opinion cited below on 50b that declaring one's place of *shevisa* from afar is effective only for a traveler who is on the road, but not under normal conditions.]⁵⁵

The Mishna (49b) says that in order to establish such an *eruv* one must clearly define a four-*amah* area (or smaller) as the site of his *shevisa* (by means of some sign or landmark). However, if one declares that his *shevisa* should be established under a certain large tree (which extends over an area larger than four *amos*), his declaration is void since he failed to define a specific four-*amah* area as his place of *shevisa*.

Rav explains that this individual is left stranded without a *techum* at all. On the one hand, he moved his residency from his current location by declaring that he wants to establish *shevisa* under the tree. On the other hand, he does not acquire *shevisa* under the tree since he failed to specify an exact spot. Therefore, such an individual is confined to a four-*amah* spot for the entire Shabbos.

• A traveler who reaches within 2,000 *amos* of a city before Shabbos may designate the city as his place of residence. Doing so permits him to walk on Shabbos to wherever the residents of the city may walk. [I.e., he can stroll throughout the entire city, even if it is very large, and he may continue walking beyond the city for another 2,000 *amos*.] On the other hand, if this

traveler establishes *shevisa* at the stopover outside the city (i.e., the spot he reached before Shabbos), he may not walk more than 2,000 *amos* beyond that spot (even if his 2,000-*amah* boundary ends in the middle of the city).

The Mishna on 45a discusses a traveler who settles on the eve of Shabbos at a site that is within 2,000 *amos* of a city, without realizing his proximity to the city. R' Yehuda says that even though he expected to spend Shabbos outside the city, if he subsequently realizes that he is within 2,000 *amos* of the city, he is permitted to enter the city and adopt the *techum* of its residents. R' Yehuda is of the opinion that since it is an accepted assumption (אָן סהדי) that one would want to adopt the *techum* of the city rather than the *techum* of his stopover site (which is within 2,000 *amos* of the city), this traveler assumes the *techum* of the city even though he did not declare before Shabbos that he wants to establish *shevisa* within the city.

The Rishonim ask why we don't apply the same logic with regard to the case of the large tree in our Mishna. Presumably, if this individual had known that his declaration to establish *shevisa* under the tree was not valid, he certainly would have wanted to at least acquire *shevisa* at his current site (rather than be stranded without any *techum*). Based on this assumption, this individual should acquire the *techum* of his current location even though he did not initially say so.

In answer, the Ravad⁵⁶ postulates that R' Yehuda grants a traveler residency in the city (without any declaration) based on an אָן סהדי (presumption) only if he did not expressly establish his current stopover site as his residence. R' Yehuda is referring to a traveler who sat down to rest on the eve of Shabbos without expressly declaring his stopover spot as his place of *shevisa*. In our Gemara, however, where the person verbally moved his residency from his current location by declaring it should be under the tree, R' Yehuda's *halacha* does not apply, for the logic of אָן סהדי cannot establish one's residency in a place different from his expressed declaration.⁵⁷

דף נ.

עשירי ואחד עשר מעורבין זה בזה

- There is a mitzvah to separate *maaser* (one tenth) from one's animals each year. One must gather the new animals born to his flock (during the new year) into a pen with a small exit, and as they exit the pen every tenth animal is marked as *maaser*. The *maaser* animals are offered as *korbonos* in the Bais Hamikdash; their fats are burned on the mizbeach and their meat is eaten by the owner.

The Gemara, citing a Mishna in Bechoros 60b, says that the tenth animal that exits the pen automatically assumes the *kedusha* of *maaser* (and is offered as a *korbon*) even if one mistakenly counted the tenth animal as the ninth animal and did not mark it as *maaser* when it exited the pen.

The Mishna says if one mistakenly counted the tenth animal as the ninth and then he counted the eleventh animal as the tenth, both animals acquire sanctity. We derive from a posuk that the tenth animal acquires the sanctity of *maaser* (as above) and the eleventh animal acquires the sanctity of *korbon shelamim*.

Rashi lists several procedural differences between the offering of a *korbon shelamim* and *maaser*, one of which is that there is mitzvah for the owner to perform סמיכה (leaning) on the head of a *korbon shelamim* but not on a *korbon maaser*.

Rava says that if the tenth and eleventh animal exit the pen simultaneously and the owner labels them both as the tenth, one of them acquires the consecration of *korbon maaser* and the other acquires the *kedusha* of a *shelamim*. However, since it is impossible to determine which animal is which, both must be treated with the stringencies of both *korbonos*. Rashi explains, for example, that since we do not know which animal is a *shelamim*, *semicha* (the leaning ritual) must be performed on both animals. However, due to the doubt involved, a *bracha* (which is typically recited over the mitzvah of *semicha*⁵⁸) is not recited because as a rule blessings are not recited in doubt (ספק ברכות להקל).⁵⁹

R' Yosef Engel in his Gilyonei HaShas questions why a *bracha* on the act of *semicha* may not be recited despite the doubt. One should align both animals for *semicha* and recite one *bracha* over both acts of *semicha* which he is about to perform. Since the person knows for certain that one of the two animals that he is about to perform *semicha* on is a *shelamim* (which requires *semicha*), the *bracha* should take effect on whichever animal is in fact the *shelamim* (ממה נפשך).⁶⁰

In answer, Horav Zvi Pesach Frank⁶¹ explains that a *bracha* must be recited immediately prior to the performance of a mitzvah without any הפסק (interruption) whatsoever. If, in fact, the first animal to receive *semicha* is a *korbon maaser*, the *bracha* would not be valid because the first act of *semicha* performed on the *korbon maaser* constitutes a *hefsek* between the recital of the *bracha* and the act of *semicha* performed afterwards on the *shelamim*.

He adduces proof from this Rashi that if one is travelling during the days of *sefirah* and he is uncertain as to the correct counting of the *sefirah*, he may not recite a *bracha* and count two days of *sefirah* simultaneously (e.g., "today is the fourth day of *sefirah*, today is the fifth day of *sefirah*") because, if in fact it happens to be the fifth night of *sefirah*, the counting of the fourth night constitutes a *hefsek* between the *bracha* and the fulfillment of the mitzvah.

דף נא.

אמר רבא והוא דקא רהיט לעיקרו מטי

- We learned above that a traveler who is more than 2,000 *amos* from his destination on the eve of Shabbos may establish *shevisa* at a specified site within 2,000 *amos* of his current location even though he is not present at the site when Shabbos begins. Doing so enables him to walk 2,000 *amos* past the specified site on Shabbos and reach his destination.

Rava states that designating *shevisa* from a distance is valid only if there is sufficient time left in the day for the traveler to reach the specified site before Shabbos were he to run to that site.⁶² If it is very late in the day and the traveler cannot possibly reach the specified site

before Shabbos (even if he runs there), he cannot establish *shevisa* there.

The Mishna on 41b recounts how Rabban Gamliel was once on a ship on *Erev Shabbos* which did not enter the port until after nightfall. Rabban Gamliel submitted that he was able to determine, via the use of a certain telescope-like instrument, that the ship was within 2,000 *amos* of the city at time of sunset. He maintained therefore that he acquired *shevisa* in the city and assumed the status of the city's residents. Thus, he was permitted to walk throughout the entire city on Shabbos.⁶³

According to Rava who says that a traveler's designated place of *shevisa* must be reachable before Shabbos it is difficult to understand how Rabban Gamliel was able to acquire *shevisa* in the city. Since his ship was out at sea and did not dock until after Shabbos arrived, it seems unlikely that it was possible for him to reach the city before Shabbos.

The Chazon Ish⁶⁴ distinguishes between establishing *shevisa* at a nondescript place on the side of a road and establishing *shevisa* in a city which is designed for *shevisa*. Even though Rava limits an absentee *shevisa* to a place which is reachable before Shabbos, this limitation does not apply to one who is near a city and wishes to establish *shevisa* in the city.

דף נב:

מי שיצא חוץ לתחום אפי' אמה א' לא יכנס

- As mentioned above, one who leaves the 2,000-*amah* Shabbos boundary is confined to a four-*amah* area for the remainder of Shabbos.

There is a three-way dispute cited in the Mishna above on 45a regarding this four-*amah* restriction:

(a) R' Yehuda is of the opinion that he may walk four *amos* in any [one] direction he chooses. [E.g., if he chooses to walk four *amos* to the west, he may not walk at all to the east.]

(b) R' Eliezer maintains that the four *amos* are measured with this individual in the center, meaning, he is permitted to walk only two *amos* (in all directions).

(c) The Chachamim (as explained on 48a) are of the opinion that this individual may walk four *amos* in all directions, meaning, his *techum* is actually 8 *amos* square.

R' Eliezer states (Mishna 52b) that if one walks less than two *amos* past the 2,000-*amah* boundary, he may reenter the *techum* again, and once he reenters he reacquires his original *techum* and is permitted to move about within the original *techum* (i.e., 2,000 *amos* in any direction from his place of *shevisa*).

The Chachamim disagree and maintain that once one leaves his *techum*, even if only by a single *amah*, his original *techum* is forfeited and cannot be reacquired.

The Rambam,⁶⁵ in codifying the Chachamim's opinion, explains that the Chachamim in our Mishna on 52b accord with R' Yehuda's opinion on 45a who say that the four *amos* allowed for a person who left the *techum* is measured in only one direction. The Maggid Mishna explains that an individual who walked past the 2,000-*amah* boundary is permitted to walk four more *amos* in whichever direction he happens to be walking. The four-*amah* boundary allotted to a person who exited his original *techum* is measured away from the *techum* - in the direction the person was heading. Such an individual may not reenter his old *techum* (even if he is standing within four *amos* of it) since he is only permitted to walk four *amos* in the direction heading away from the *techum*.⁶⁶

The Rashba⁶⁷ explains the Chachamim of our Mishna differently and maintains that the dispute in this Mishna is not related to the dispute in the Mishna on 45a. Even if one who exits his *techum* is given a new *techum* of eight *amos* and is permitted to reenter the old boundary, nevertheless, he cannot re-acquire his original *techum*. This is because the Chachamim do not agree to the concept of *הבלעת תחומים* - overlapping *techumin*. Even if the new eight-*amah* *techum* overlaps the old *techum*, they are viewed as separate boundaries and do not merge as one. [In contrast, R' Elazar is of the opinion that overlapping *techumin* merge into one entity, (הבלעת תחומין מילתא היא.)

Even though the Gemara above on 45a states that everyone agrees to the concept of *הבלעת תחומים*, that is only if one *accidentally* left his *techum* or left for the sake of a mitzvah. However, if one willfully exits his *techum*, then the Chachamim say that he cannot re-acquire it even if he is permitted to re-cross the boundary line.

דף נג.

ויקם מלך חדש על מצרים

חד אמר חדש ממש וח"א שנתחדשו גזירותיו

1] The posuk (Sh'mos 1:8) states that a מלך חדש - new king - rose to power in Mitzraim who did not know Yosef and enacted harsh decrees against *b'nai Yisrael*. The Gemara cites a dispute between Rav and Shmuel regarding the definition of מלך חדש.⁶⁸

One of these sages (whom we shall call opinion A) interprets מלך חדש literally as meaning that the Egyptians appointed a new ruler at that time. The other (i.e., opinion B) argues that מלך חדש should be taken literally, for the Torah does not mention the death or dethronement of the existing ruler. Rather, the existing ruler was labeled a מלך חדש because of his newly enacted [anti-semitic] policies and decrees. [Opinion B explains that although this king was the original king who knew Yosef very well, the Torah says that he did not know Yosef because subsequent to his new decrees, he behaved towards *b'nai Yisrael* with apathy - as if he did not know Yosef.]

The Ben Yehoyada of Baghdad⁶⁹ (circa 1834-1909) offers the following novel suggestion to answer opinion B's argument as to why the Torah makes no mention of the death of the previous ruler if indeed there was a new ruler as opinion A maintains. He submits that Mitzraim was a democratic republic with a government similar to that of the United States. Its leader, called Pharaoh, functioned in the capacity of a president and was not considered a bona fide king since he was not an absolute monarch. Prior to the anti-semitic decrees, the people of Mitzraim agreed to change their form of government and granted their leader absolute

power. When the Torah states ויקם מלך חדש - a new king arose - it is referring to this rise to power from president to king. Therefore there is no mention of the demise of a previous Pharaoh because even according to opinion A the same ruler was in power throughout.⁷⁰

2] The Ben Yehoyada⁷¹ suggests that the dispute between Rav and Shmuel as to the interpretation of חדש has halachic ramifications concerning conscription into the army. The posuk (Devarim 20:5, 24:5) exempts anyone who has recently built a בית חדש - new house - from serving in the army. The Ben Yehoyada suggests that according to opinion B this includes even one who had remodeled his house and re-plastered it. Even though the house is actually old, since it has a new appearance it could be termed a בית חדש. However, according to opinion A the term חדש is taken literally as meaning new, and one who merely remodeled his house is not exempt from the draft.⁷²

In a similar vein, the Toras Chaim suggests that this dispute has legal ramifications regarding one who contractually agrees to sell his friend a בית חדש. According to opinion A he is obligated to provide a brand-new house, whereas according to opinion B a newly remodeled house will sufficiently satisfy the agreement.⁷³

דף נד

חש בראשו יעסוק בתורה

1] The Gemara introduces many teachings regarding the benefits gained from the study of Torah and the proper method of study.

R' Yehoshua ben Levi derives from a posuk that if one has a headache he should study Torah [as a remedy].

The Maharsha notes an apparent contradiction for R' Yehoshua ben Levi states in Shevuos 15b, אסור להתרפאות בדברי תורה - it is prohibited to utilize the words of Torah as a remedy (see Al Hadaf ibid.).

In answer, the Maharsha explains that the Gemara in Shevuos prohibits using verses of the Torah as an incantation. One may not intone words of Torah over a wound in an attempt to heal it. However, our Gemara refers to the

ordinary study of Torah which serves to correct one's spiritual deficiencies. Correcting one's ways helps to remedy one's illness. The Iyun Yaakov explains that the 248 positive commandments of the Torah correspond to a person's 248 אברים (limbs and organs) and the 365 negative commandments correspond to one's 365 גידין (veins, arteries and sinews). One can develop a physical illness in a part of his body corresponding to the mitzvah that he neglected. This can be remedied by the study of Torah through which one strengthens his observance and commitment to the 613 mitzvos.⁷⁴

2] The Maharsha submits that R' Yehoshua ben Levi is not referring to one who has a severe headache (and has a legitimate illness), for the Gemara in Nedarim 41a states that talking is detrimental to one who is suffering from a headache. Rather, R' Yehoshua ben Levi is referring to one who feels a slight headache and is concerned that the study of Torah may intensify his headache and cause him to get sick. In such a case, the Gemara advises one to continue his Torah study and rest assured the Torah will be beneficial to him rather than detrimental.

3] באהבתה תשגה תמיד

The Gemara relates that R' Elazar ben Padas was so immersed in the study of Torah that he would forget his jacket in the marketplace when he went to study. This incident was cited in illustration of the posuk באהבתה תשגה תמיד - may you be infatuated in the love for Torah. Rashi explains that one should love Torah to the extent that it causes him to neglect his personal affairs.

The Chidah writes that one should be so attached to the words of Torah that even while he is at work he thinks of his learning. This, he suggests, is the meaning of the Mishna (Avos 2:2) יפה תלמוד תורה עם דרך ארץ - Torah study and toiling for a livelihood should complement each other.

Similarly, the Nefesh Hachaim⁷⁵ writes that although the halacha follows R' Yishmael who

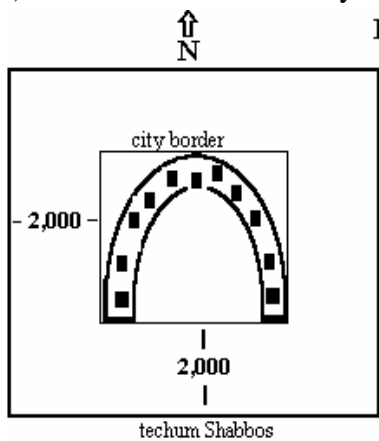
says (Berachos 35b, see Al Hadaf ibid.) הנהג בהן מנהג דרך ארץ - that one must engage in work to earn a livelihood - one should continue to think about or review his learning even while at work.⁷⁶

It is important to note, however, that R' Yisrael Salanter⁷⁷ cautions an employee or a contractor to dedicate himself completely to his task so as to ensure that he performs his work perfectly. He says that concentrating on other matters, even learning matters, while performing a job for a fellow man amounts to גזל - stealing - since it might result in shoddy workmanship.

דף נה
עיר העשויה כקשת

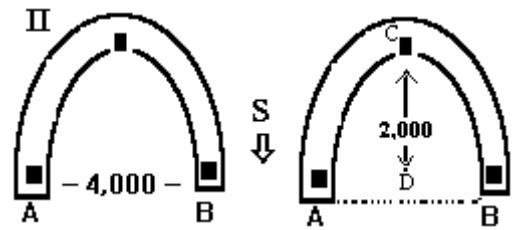
The 2,000-*amah* *techum* for residents of a city begins at the city's border, rather than at one's house. The Mishna at the beginning of the *perek* (52b) postulates that if the houses at the end of a city lay in a crooked line, the *techum* is measured from the outermost house. An [imaginary] square (or rectangle) is drawn around the city which includes the outermost houses, and the inhabitants of the city may walk 2,000 *amos* from that border. The Gemara deals how to draw the borders of several types of cities with different shapes.

The braysoh (55a) states that even if a city is configured like a bow (or horseshoe), a straight line is drawn to form a square and we view the entire area inside the square as though it was filled with houses (see diagram I). Thus, all the inhabitants of the city may walk 2,000 *amos* beyond that line.



Rav Huna, however, limits this *halacha* to when the two ends of the city (i.e., the feet of the horse-shoe) are less than 4,000 *amos* apart. [Rashi explains that A and B can be considered as part of one city only if their respective 2,000-*amah* *techumin* overlap.] If the distance

between A and B (see diagram II) is 4,000 or more than we do not consider all

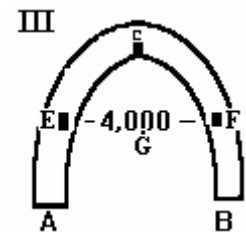


the houses to be part of one city. While the inhabitants of houses A and B may walk from their house 2,000 *amos* southward, until the *techum* outlined in diagram I, the inhabitants of C may walk only 2,000 *amos* south of their house to point D.

The following are several leniencies stated by the authorities (though not all are universally accepted).

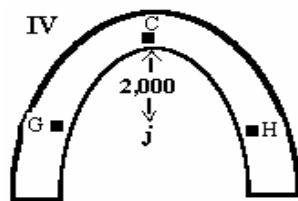
1. Tosfos (55a פחות ד"ה, based on Rava b'rei d'Rabba bar Rav Huna's opinion on 55b) asserts that Rav Huna's 4,000-*amah* limitation applies only if house the [imaginary] string of the bow (i.e., the dotted line in diagram II) is more than 2,000 *amos* from the bottom of the bow (house C). However, if the dotted line is not more than 2,000 *amos* from C then the city is squared off even if A and B are more than 4,000 *amos* apart.

2. Tosfos (55b, ד"ה ואם) asserts that even when the two ends of the city are more than 4,000 *amos* apart, the *techum* is measured not from the bottom of the bow but from the point where the bow narrows to less than 4,000 *amos*. For example, if houses E and F are less than 4,000 *amos* apart than [imaginary] line EF is considered the city's border from where the *techum* is measured. Thus, the inhabitants of C may walk 2,000 *amos* south of point G (see diagram III).



3. The Tur asserts that the leniency stated by the aforementioned Tosfos regarding the 4,000-*amah* limit, may be applied to the 2,000-*amah* limit (mentioned above in 1). He says that regardless of the width of the bow-shaped city, the *techum* for those who reside on bottom (house C) is measured starting at 2,000 *amos* from their house (see diagram IV, line GJH).

Even if houses G and H are more than 4,000 apart, the city's border is at line GJH and the residents of house C may walk 2,000 *amos* south of point J (see diagram IV).



4. The Ritva maintains that the *techum* for the inhabitants of house C is 2,000 *amos* from where they exit the city and thus they do not have a fixed *techum*. If they walk through their neighbors' backyards and exit the city at one of its ends (A and B) they may walk another 2,000 *amos* southward from their point of exit, thus extending their *techum* considerably.

דף נו.

**אמר שמואל אין תקופת טבת נופלת אלא
או בד' ומחצה או בעשר ומחצה**

Shmuel calculates the times of the day at which the seasons of the year change. The Gemara's term for this moment of change is תקופה. [The astronomical term for the beginning of spring and fall is equinox, and the term for the beginning of winter and summer is solstice.]

Shmuel states that Tekufas Nissan (the spring equinox) always occurs either at daybreak, noon, nightfall or midnight. This is based on the fact that; (a) in the first year of creation, Tekufas Nissan occurred at nightfall (6:00 p.m.), and (b) a solar year consists of exactly 365 1/4 days, thus from one year to the next, each season moves ahead 1/4 of a day (6 hours). [See Rambam⁷⁸ who mentions the fact that the solar year is not exactly 365 1/4 days.]

Each season is 91 days and 7 1/2 hours (i.e., 365 1/4 days divided by four). Since the first spring equinox occurred at nightfall (6:00 p.m.), the first summer solstice occurred (91 days later) 7 1/2 hours into the night (meaning at 1:30 a.m.), and in each subsequent year the summer solstice moved ahead 6 hours. After four years, the time of the תקופות repeat. In the fifth year they occur at the same time of the day as during the first year. [Shmuel states the calculations for the fall and winter seasons as well.]

Tosfos raises a difficulty. Since sunset in the summer is a few hours later than in the

spring why does Shmuel say that the first summer solstice of the four-year cycle occurs 7 1/2 hours into the night? Since nightfall in the summer begins as late as nine or ten o'clock, the summer solstice really begins only a few hours after nightfall - at 1:30 a.m.. 7 1/2 hours after [actual] nightfall during the summertime is not until 4:30 or 5:30 a.m..

In answer, the Mishkanos Yaakov⁷⁹ cites a Zohar (Parshas Vayakhel) which states that the nighttime always begins at 6:00 p.m. (with regard to certain laws) regardless of the season and the actual sunset. Even when the sun sets at 9:00 and rises at 5:00, the hours between 6:00 p.m. and 6:00 a.m. are considered night (with respect to certain laws).⁸⁰

When Shmuel speaks of the solstice occurring at 7 1/2 hours into the night, he is referring to the "Zohar's night" which always begins at 6:00 p.m. (and thus the solstice occurs at 1:30 a.m.).

The Mishkanos Yaakov suggests that this Zohar might be a possible source for those who are lax with regard to the recital of shema early in the summertime when זמן קריאת שמע (the latest time for reciting shema, which is three hours into the day) is quite early (because the sun rises early in the summer). He suggests that according to the Zohar, זמן קריאת שמע is perhaps always at 9:00 a.m. (since the day always begins at 6:00 a.m. according to the Zohar), even in the summer months when the sun rises a lot earlier than 6:00.⁸¹

The Magen Avraham,⁸² however, rules that the actual time of daybreak is used with regard to computing זמן קריאת שמע, not 6:00 a.m.. Thus, זמן קריאת שמע for a large portion of the year is earlier than 9:00 a.m. (especially, at the beginning of the summer when the sun rises early).

דף נו.

נותנין קרפף לעיר

- If there is a house protruding from a city at a distance of seventy and two-third *amos* or less from the end of the city, it is classified as עיבור העיר (extension of the city) and the *techum* is measured from the protruding house (see first Mishna of the perek on 52b and Rashi). [Tosfos (57a, ד"ה רב הונא), citing the Gemara on 21a,

points out that if there is a string of houses protruding from the city, each within $70 \frac{2}{3}$ *amos* of one another, the entire string of houses is considered as part of the city's extension and the *techum* is measured from the last house.^{83]}

R' Meir (Mishna 57a) says that the 2,000-*amah techum* of a city is not measured from the last house in the city, but rather from the city's *קרפף* (outskirts). He derives from a posuk (Bamidbar 35:4) in the passage concerning the Levite cities that $70 \frac{2}{3}$ *amos* of open area outside a city serves as its *karpif* (outskirts) and is considered as part of the city. Thus, one may walk 2,000 *amos* beyond the *karpif* (i.e., a total of 2000 plus $70 \frac{2}{3}$ *amos*).

The Chachamim disagree and maintain that the concept of *karpif* applies only to two neighboring cities, but not to a lone city. If two cities are within $70 \frac{2}{3}$ *amos* of each other, they are considered as one connected city, and the residents of city A may walk 2,000 *amos* beyond city B (and vice versa). [The *halacha* follows Rav Huna who explains that each city is granted a space of $70 \frac{2}{3}$ *amos* and thus if the open area between two cities is no more than $141 \frac{1}{3}$ *amos* (i.e., $2 \times 70 \frac{2}{3}$) the two cities are viewed as one continuous city.]

The Rosh⁸⁴ cites the Maharam of Rothenburg who rules in accordance with R' Meir that the 2,000-*amah techum* of a city starts after its *karpif* (meaning, city residents are permitted to walk 2,000 *amos* plus an additional $70 \frac{2}{3}$ *amos* beyond the city on Shabbos).

The Ritva states that R' Meir grants an extra $70 \frac{2}{3}$ *amos* only when measuring from the actual city itself but not when measuring from a protruding house. [The protruding house is considered part of the *עיבור העיר* (city's extension) and we do not append a *karpif* to an extension.]

The Chazon Ish⁸⁵ draws a distinction between an occupied house and an abandoned house (e.g., a ruin). He suggests that the Ritva is referring only to an abandoned house, but an occupied house that stands within $70 \frac{2}{3}$ *amos* of a city is considered as part of the city proper and is not merely an extension (*עיבור העיר*). Accordingly, the 2,000 *techum* starts after $70 \frac{2}{3}$ *amos* past any occupied houses protruding from the city.⁸⁶

דף נח.

1] אין מודדין אלא בחבל של נ' אמה

The Mishna (57b) states that the 2,000-*amah techum* must be measured with a fifty-*amah* rope, meaning, it must be measured in 40 increments of fifty *amos* each. The Gemara (58a) cites a scriptural source for the requirement to measure specifically with a fifty-*amah* rope and explains that a rope which is too long or too short does not provide an accurate measurement. If the rope is too short, the two people taking the measurements might pull the rope too strongly and stretch it, and as a result the *techum* will be unduly lengthened. On the other hand, if the rope is too long, the surveyors might allow the rope to sag (due to its heavy weight), and as a result the *techum* will be unduly shortened.

The Rashba⁸⁷ states that the *techum* measurement must be performed by *two* people to ensure the rope is pulled tightly at both ends so that it does not sag.

The Toldos Shmuel,⁸⁸ however, says that the *techum* may be measured by a lone person - provided the person secures the opposite end of the rope to a post so that it can be pulled taut.

אין לך יפה למדידה יותר משלשלאות של ברזל

2] R' Yehoshua ben Chananya cites a posuk (Zechariah 2:5) as a source for the *halacha* that a linen rope is used for taking measurements even though taking measurements with שלשלאות של ברזל (iron chains) is *more* accurate. The Meiri explains that the advantage of metal chains over a linen rope is that chains are not subject to stretching.

The Meiri explains that R' Yehoshua ben Chanayah proves from the posuk that ropes are also a valid means of measuring but he does not mean to exclude the use of chains. On the contrary, if one wishes to measure the *techum* with metal chains, he certainly may do so, since metal chains provide a more accurate measurement than ropes.

The Meiri in conclusion cites some authorities who disagree with the above ruling and invalidate the use of chains, asserting that only linen ropes may be used.⁸⁹ Even though

chains have an advantage over ropes in that they do not stretch, chains also have a disadvantage because they are heavier than ropes and are subject to more sagging.⁹⁰

R' Yaakov Emden, however, maintains that in the context of this Gemara does not mean chains, as commonly interpreted, because

iron chains are too heavy and they sag too much. Rather, שלשלאות של ברזל means an iron rod, e.g., a tape measure, which has both advantages, it neither stretches nor sags. [R' Yaakov Emden is of the opinion that שלשלאות של ברזל are certainly valid, as the Meiri asserted at the outset.]

- יהונתן דאפי' אם הקיפוהו נכרים במזיד מותר לטלטל בו דלא גרע משוגג בישראל (ולכאוי ר"ל אפי' אם הקיפוהו לצורך ישראל).
- (29) ברשי" דף מד: ד"ה דאעילו מיא מבואר דע"י מחיצה של בני"א מותר לטלטל אפי' מרה"ר לרה"י, אולם ע' בית הבחירה שהביא י"א דדינו בקרפף ואינו מותר לטלטל ממנו לרה"י, ע"ש.
- (30) כ"כ הרשב"א ומובא במשנ"ב סימן ש"ס"ב ל"ט, וז"ל כדי שלא יבא לזלזל באיסור שבת עכ"ל, והבנתו דר"ל באיסור הוצאה (ועוד ז"ל שיבא לזלזל באיסור ב"ן, וע' שם במשנ"ב שם סי' דאפי' בדיעבד אסור דדינו כמחיצה הנעשה במזיד, משמע קצת דאתינן עלה משום לתא דאיסור ב"ן, ודו"ק).
- (31) כ"כ הלבוש בהלכות סוכה סימן תר"ל מובא בביאור הלכה שם סעיף ז"ב.
- (32) מובא אלהלכה בשו"ע סימן ש"ס"ב סעיף ו' (ולכאוי לפי טעם הלבוש המובא לעיל אתי שפיר ט"ל).
- (33) שם בסימן ש"ס"ב (סתפק בזה), ובשעה"צ שם ס"ק כ"ג כתב דבשעת הדחק יש להקל בזה.
- (34) שם סעיף ז', וע"ש עוד מה שכי המחבר בשם הרמב"ם.
- דף מה**
- (35) סימן ת"א.
- (36) (וע' בחידושי הרשב"א (מה: ד"ה ביו"ט) ובחי' הריטב"א כאן במתני' שהקשו לדעת חכמים למה לא אמרינן שקונה שביטה בשעת שנעור כמו דאמרין בספינה שהיתה למעלה מ"י בשעת בין השמשות שקונה שביטה אח"כ בשבת כשהגיע לתוך י', וע"ש מהרש"א בדף מה: על תוד"ה ליקנו שהקשה כן, וע"ש ברמב"ן בדף מג. שתי בע"א).
- דף מז**
- (37) ז"ל הברייתא גשמים שירדו ביו"ט הרי הן כרגלי כל אדם, וע' תוס' מה: בד"ה ביום טוב שמבאר דהיינו כאותו שזה בהם ראשון (אולם ע' רש"י בבב"ב דף לט. פ"י רגלי כל אדם היינו שאין להם שום שביטה (ואנן להם תחום כרגלי המלא דוקא), וכן הביא חי' הרשב"א כאן בשם הראב"ד וכן משמע ברמב"ם פ"ה מהל' יו"ט הי"י.
- (38) דברישא שם איתא שאם ירדו מערב יו"ט יש להן אלפיים אמה, מבואר דס"ל דחפצי הפקר קוננין שביטה כרבי"נ.
- (39) ובענין לקיחת מים מצנורות שיש לנו בבתינו, ע' בספר תיקון עירובין פרק ד' סק"ג שהביא בשם המחנה חיים שהחמיר בזה (והיה ממלא מים לצורך שבת קודם שבת), וע"ש מה שמאר"ך בזה.
- (40) וכן תירץ הרמב"ן בדף מג, אולם ע' בחי' הר"ן בדף מג. שתי בע"א ומבאר בדבריו דס"ל שקונה שביטה בספינה אע"ג שהיא מהלכת כל בין השמשות.
- (41) סימן ת"ד ד"ה ממקום שפגע.
- (42) וע' בחי' הרמב"ן מה: ד"ה ועוד נ"ל (וכן בעבודת הקודש להרשב"א שער ה' דין כ"א) שהביא הראב"ד דגם אדם המהלך כל בין השמשות לא קנה שביטה, והרמב"ן חולק עליו וכתב דאינו נכון (וכן הרשב"א שם חולק עליו וכתב דאין דנין אדם מנכסים).
- דף מז**
- (43) אי אפשר לאוקמי' לענין לטלטל החפץ בשבת במקום מוקף מחיצות שהרי מקום מוקף מחיצות חשוב כמקום ד' ולא שייך ביה איסור תחום.
- (44) והנה כיון דמעיקר הדין חפצי עכו"ם הוי כהפקר ונותנין להם תחום של המזכה בהן יש לעיין אי אחר הגזירה עדיין יש לחפצי עכו"ם תחום מי שמזכה בהם לחומרא, כלומר, ויש לו תחום החפץ (דהיינו תחום העכו"ם לפי דעת הגאון, ולפי דעת התו"ש המובא לקמן היינו מקום שביטת החפץ) וגם תחום מי שמזכה בהן חמר גמול או דילמא כולי האי לא אחמור בהו רבנן (ובפרט דלא שכיח כ"כ שהמזכה בו יוציא חוץ מתחומו דלא שייך אלא ע"י זריקה או ע"י שיתנו לחבירו).
- (45) ד"ה חפצי הנכרי, וכן נקט הקרן אורה, וכן מדייק התוספות שבת סימן ת"א סק"ג מדברי האו"י (וע' מחצית השקל סימן ת"א שמביא קצת מדברי התו"ש) (אולם ע' בביה"ל סימן ת"א שכי' דאין שום ראי' מדברי האו"י).
- (46) [א"כ הוא בעיר מוקפת חומה דאז כל העיר חשוב כד' אמות].
- (47) לפי הגאון יעקב גזירה זו שייך אפי' לר"י בן נורי, אולם ע"ש בגאון יעקב שכי' דדוקא לחכמים גזרו אטו חפצי ישראל ולא לרבי"נ, ע"ש טעמו.
- (48) סימן ת"א, וכן נקט המשנ"ב שם סק"ד (ע"ש בביה"ל), ובאמת התו"ש כתב דכן נראה לשון המחבר בסימן ת"א שכי' דחפצי עכו"ם קוננין שביטה במקומן.
- (49) וע"ש במחצה"ש שמבאר דאע"ג דהגזירה היתה אטו חפצי ישראל, מ"מ כיון שעל פי רוב חפצים הן במקום בעליהן שוב לא אתי לאחלופי בחפצי ישראל ולא גזרינן אטו המיעוט שאינן במקום בעליהם בשעת בין השמשות.

- דף מ**
- (1) ע' שו"ת רע"א קמא סימן ט"ו שמבאר החילוק בין איסור ספינן ליה בידים וחשש דילמא אתי למיסרך].
- (2) ע' יו"ד סימן רס"ה ס"א שהביא המחבר שיש נוהגין לברך על הדס בכל בריית מילה (וע' או"ח סימן תקנ"ט ס"ו שכי' המחבר בענין מילה בתי"ב דמברכין על כוס ולא על בשמים (להוציא מדעת הגאונים) ע"ש בב"י ובמשנ"ב ס"ק כ"ז).
- (3) או"ח סימן תרכ"א ס"ג (וע' בסמ"ק תקנ"ט ס"ו דלענין תשעה באב שאינו אלא מדרבנן מקילין טפ וכתב המחבר דמברכין על כוס בברית שחל בתי"ב ונותנין אותו לתניוקות (או להיולדות), וע"ש ביו"ד סימן רס"ה סעיף ד'.
- (4) וע' מג"א שם סק"ג שהביא בשם הרשב"א דס"ל דאין ליתן לרך הגניול דכיון שלא הגיע לכלל חינוך הוי ברכה לבטלה (וכן ע' כאן בריטב"א שכי' שצריך ליתן לתניוק שהגיע לכלל חינוך), וע"ש שמבאר על פי הראב"ן (וכעין זה ברש"י כאן) דאין צריך ליתן לתניוק אלא משום שלא יהא גנאי לכוס של ברכה אם לא יהנה ממנו (אבל במקור הדין אינו ברכה לבטלה) וממילא סגי אף שנותנו לתניוק בן יומי, וכן בעמ"ב ר"ב בהג"ר שמהו ז"סל ב' בסוף חי' המאירי סימן י"ח (ונו"ט).
- (5) [וצע"ק למה לא קאמר הגמ' בענין שהחיינו על הכוס דליתיה לתניוק בן יומי כיון דלית ביה משום אתי למיסרך].
- דף מא**
- (6) מובא ברשב"א ובריטב"א בדף מא: .
- (7) מובא במרדכי ובטור סימן רמ"ט ובמ"א שם ס"ג .
- (8) כלומר, אע"ג דאינו מתענה בשבת מ"מ ס"ל לר"ע שאסור ליכנס לשבת כשהוא מעונה שבת זה כבוד שבת, משא"כ להרא"ש טעמא דר"ע הוא משום דמיקרי מתענה בשבת (לשעות) כיון שמונע עצמו מאכילה אחר קבלת שבת או אחר שקיחה"ח, (כך נראה לפום הריטא, וע' חי' הר"ן).
- (9) רא"ש תענית דף י"ח, מובא שם בטור ושו"ע.
- (10) מובא כאן בתוס' ישנים.
- (11) או"ח סימן רמ"ט ס"ד וע"ש ברמ"א לענין תענית יחיד.
- (12) [ע' בחי' הרשב"א וריטב"א סוף פירקין שהביא דברי הראב"ד וז"ל - ולכן נהגו העם בתענית אסתר כשהוא בא בערב שבת וכו' עכ"ל, וע"ש בהגה"ה על הריטב"א אות 622 (דפוס מוסד הר"ק)].
- דף מב**
- (13) בחי' ריטב"א משמע דפסיעה בינונית מעט פחות מאמה (ולכך מתירין לו לילך אלפיים פסיעות ולא חישינן שיעבור על התחום).
- (14) הלכות שבת פ"ב הל' ט"ו.
- (15) סימן שצ"ה ד"ה פסיעות.
- (16) ריש סימן שצ"ט.
- (17) ברמב"ם ושו"ע מוקים הדין במי ששבת בבקעה (כלומר שקידש היום עליו כשהיה בבקעה, ולא במי ששבת בעירו ומטייל בדרך או בבקעה בשבת), ונראה מתוך דברי הביה"ל דנקט ששך גרסין בגמ' - השובת בבקעה מהלך אלפיים וכו', וכך גורס המאירי.
- (18) והביא כן בשם הכלבו דאין לסמוך על הילוך אלפיים פסיעות דחשישין דאין בצמצום (ומבאר דהכלבו איירי במי ששבת בעיר).
- (19) לכאוי מסתימת הגמ' וש"ע לא משמע דעסקין דוקא במי שמהלך לצורך מצוה, ולולי הריטב"א י"ל על פי משנ"ב המג"א סימן ש"ו ס"ק ט"ז דכל מדידה של שעוריה תורה מיקרי מדידת מצוה ומותר בשבת וממילא מותר למדוד התחום שבת כיון שזוהו מדידת שיעורי תורה (וחשוב כמצוה כיון ששיעור תחום נוגע כדי שלא לעבור על איסור תחום אינ"פ ששייך שישב במקומו כל השבת), וע"ש דו"ק [ולכאוי צ"ע על המשנ"ב שהרי בסימן ש"ו ס"ק ל"ה הביא דברי מג"א ובסימן שצ"ה סק"ד הביא דברי הריטב"א, ומצוה לישב].
- דף מג**
- (20) ולענין הלכה ע' שו"ע ס' ת"ד דקיי"ל בתחומין דרבנן להקל אבל ביותר מ"מ מיל יש להחמיר, וכתב המחבר בשם תשו' הרמב"ם דמקילין בהולכי ימים אפי' ביותר מ"מ מיל, ע"ש בביה"ל.
- (21) סו"ס רצ"ה, מובא גם ברמ"א שם.
- (22) הלכות שבת סימן ע"א, מובא שם בטור (וכן במג"א שם סק"א).
- (23) יו"ד סימן רס"ה סעיף י"א.
- (24) פרקי דר"א פרק כ"ט, מובא שם בביאור הגר"א ס"ק כ"ג.
- (25) חלק ו' (בליקוט) סימן צ"ח ד"ה ת"ש.
- (26) ע"ע בשו"ת בית שלמה סימן קצ"ז שכתב כעין זה.
- (27) ומבאר שם החת"ס דגם בזה"ז פעמים בא כשהוא מלוכב בגוף ואז דינו כחי, ומבאר שם דכשבו אליו מופמפדימא לסורא להגיד הני שב שמעתתא (ע' סוף מג.) היה מלוכב בגופו (דאל"כ דינו כמלאך ואינו נאמן להגיד הלכות כיון דתורה לא בשמים היא), ונמצא לפי"ז (לפי מה שנקט הגמ' מתחילה) דאליהו בא להן להגיד ההלכות ע"י פריחה באויר למעלה מעשרה כשהיה מלוכב בגופו, והוא דבר פלא, וע"ש עוד שמאר"ך בביאור הסוגיא [וע' שו"ת הרמב"ם סו"ס קנין [פרקי ההצלחה להרמב"ם]] שכתב שם דדבר פשוט הוא דאליהו מת ולא נשאר חיים בגופו (ומבאר שם מה שאמר רז"ל 'אליהו לא מת', מו"ק דף כו. ר"ל יציא שלם מחיות העולם), ע"ש .
- דף מד**
- (28) דרב נחמן קאמר בדף כה. דמחיצה הנעשה לשבת שמה מחיצה רק לחומרא אבל לטלטל אסור, וקאמר הגמ' כי איתמר דרב נחמן אמזיד איתמר, ולענין מחיצה ע"י עכו"ם מבואר בדף מב. דשבת בבקעה והקיפוהו נכרים מותר לטלטל בו, וכי' ר'

50) ע' ביה"ל סימן ת"ב ד"ה מקצתו שכי דאירי דוקא כש' תחומין נוגעין זביז' אבל אם הבור רחב הרבה מותרין למלאות הימנו ואין חוששין שהמים מעבר האחד הלך לעבר השני אולם ע' גאון יעקב דס"ל דאין לחלק בזה ולעולם אסור, ויש לחקור היכא שהתחומין נכנסין זו בזו וחלק מאמצע הבור מובלע בין שני התחומין, ולכאוי תלוי בפלוגתא הניל משום דמקום המובלע בין ב' תחומים נדון כבור של שותפין שמוטר לשני השותפין למלאות ממנו והוי כרגלי הממלא (דאמרין ביה ברירה, וכי"כ הפרמ"ג ומאמ"ר) וממילא לדעת הביה"ל שוב לא חיישין שיתערבו המים של תחום א' עם תחום ב' שמצד השני כיון שיש מיהא דהתיירא באמצע (שמפסיק ביניהם מקום המשותף), משא"כ לדעת הגאון עדין יש מקום לחשוש שיתערב המים של ב' צידי הבור אע"פ שיש מיהא דהתיירא באמצע (שבו מצאתי בס' נתיבות השבת פ"מ ס"ק י"ח שעמד בזה).

51) כך מבואר לעיל בדף מה: דגשמים הסמוכים לעיר הוו כרגלי אנשי העיר.
52) סימן ת"ב.
53) תוס' נגע בשאלה זו ומבאר דהכא שאני דכיון דממשכי המים מתחום לתחום אמרין דלא ניחא לבני העיר שיהיה כרגלי העיר וממילא נשאר הפקר ולא קנה שביטה, אולם ע' בגאון יעקב שהק' דא"כ גם לרבי"י י"ל דלא ניחא להו שיהיה כרגלי העיר וצריך להיות כסתם חפץ של הפקר שקונה שביטה במקומו (ויהא מותר לטלטלו מיל מצד אחר של הבריכה).
54) מובא בחי' הרשב"א וריטב"א כאן.

דף מט

55) נסתפקתי במי שישב (מבעוד יום) ועמד (אחר חשיכה) וראה שהוא תוך אפיים אמה לגדר או אילו (ומשם יש אלפיים אמה לעיר) אי אמרין לדעת ר' יהודה (מה). דחל שביטתו תחת הגדר כיון דאנן סהדי שהיה רוצה לשבות שם אילו היה יודע (כמו שאמר ר' יהודה שם במתני' בענין מי שהוא סמוך לעיר), או דילמא דוקא כפי עיר אמרין כן כיון שעיקר מקום שביטה הוא בעיר (ונראה קצת ראייה לצד זה מקושטת הראשונים (מובא בסמוך בדף זה) דלא הקשו אלא שיחול שביטתו במקום רגליו ולא עלה על דעתם שיחול שביטתו בעיקרו של אילו, ודו"ק, וע"ע היטב בסוגיא לקמן נב. ברש"י ובראשונים וברמב"ם שם, ואכמ"ל).

56) מובא בחי' הרשב"א וריטב"א סוף דף מה. וכן פסק הרמ"א בסימן ת' דמי ששבת חוץ לעיר והוציא בשפתיו שתהא שביטתו במקומו תו לא אמרין דקונה שביטה בתוך העיר.

57) וע' ב"ח סימן ת' שהבין בדעת רש"י דמירי דוקא במי שישב לנוח בלי כוונת שביטה כלל, ולא מירי במי שכוון להדיא לקנות שביטה שם במקומו חוץ לעיר, והמשני"ב בסימן ת' סק"א פסק שלא כה"ח, וע"ע שם בשע"צ סק"ג שכי' בשם ר' יהונתן דמירי אפי' אם אמר בפיו שרוצה לקנות שביטה חוץ לעיר, וע' ר' יהונתן לקמן דף ס' (דף יח. בדפי הרי"ף) שמחלק בין מי שפשע בעצמו ובין מי שלא פשע (ע' יד בנימין לעיל מה). וע' קרן אורה לעיל דף מה. במשנה שם ד"ה מי שישב שמחלק בין הכא בנדון דידן שבכוונה עקר דעתו מביתו אלא דלא בירר שביטתו תחת האילן דלא חשיב טעות כ"כ משא"כ לעיל בדף מה. אילו היה יודע שהוא סמוך לעיר לא קובע שביטתו חוץ לעיר וחשיב טעות גמור.

דף נ 58) מבואר ברש"י כאן דבעלמא מברכין על סמיכה ותנופת חזה ושוק, וגם הרמב"ן על ספ"מ שורש י"ב כתב דהכהן היה מברך על כל העבודות שבמקדש, וע"ש בלב שמה שכי' בדעת הרמב"ם דלא היה הכהן מברך כי אם ברכה אחת לכל העבודות, ובתמים דעים להראב"ד סימן קע"ט כתב דאין מברכין על הסמיכה (וע' מני"ח מצוה קטו) וע' ספר מגדים חדשים כאן.

59) ע' רשב"א בשבת כג. שכי' דלפי רש"י (אלבא דרבא שם) מי שצריך לעשות מצות דאוי מטעם ספק דאוי לחומרא אז מברכין על המצוה (ולא אמרין ביה ספק ברכות להקל), וכן דעת הראב"ד, וע' שו"ת טוב טעם ודעת (להג' ר' שלמה קלוגער) שהוכיח מרש"י כאן להיפך וכדעת הר"ן בסוכה מו: מובא במג"א בסימן תרנ"ב דמבואר בדבריהם דאפי' כה"ג לא מברכין מספק אע"פ שביחוב לעשות המצוה משום ספק דאוי לחומרא וכן דעת הרמב"ם פ"ג מילה ה"ו ופ"ו מהל' סוכה ה"ג, ולכאוי י"ל דאין ראייה מרש"י כאן דלא שייך לברך ב' ברכות כאן כיון דודאי אחד מהם הוא לבטלה וממילא אמרין היא מינייהו מפקת ואין מברכין כלל.

60) והביא ראייה לזה משו"ע או"ח סימן ל"ד בענין המניח תפילין של רש"י ור"ת דיש אומרים שיניח אחד ומברך עליו ואח"כ יניח השני ולא חושב הנחת תפילין הראשונה להפסק (אע"פ שיש ספק אם הראשונים כשרים).

61) מקראי קודש על פסח ח"ב סימן ס"ז [וע' ספר שמי"ב שנשאר בצ"ע למה לא מברכין על שניהם כאחת ממה נפשך, וראיתי בספר מגדים חדשים כאן ששקט לפשיטתו שלא כדברי המקראי קודש (ולא הביא שם דבריו) ורצה לאוקים רש"י דוקא כשלא סומך על שניהם כאחת, ודוחק].

דף נא 62) ע' ביאור הלכה סימן ת"ט ס"א ד"ה מבעוד יום שחקר אי צריך שיהא ראוי להגיע אצל עירובו דוקא מבעוד יום או דילמא סגי אם יכול להגיע אצלו בבין השמשות.

63) אע"פ שאינו מבואר להדיא במשנה שקנה שביטה כאחד מבני העיר מ"מ כן נקט תוס' דף מג: ד"ה מותרין, וכן מבואר ברשב"א שם וברבינו יהונתן על המשנה שם.

64) סימן פ' (ד"ה נ"א א').

דף נב

65) פרק כ"ז מהל' שבת הלכה י"א.

66) אולם צ"ע לשון המשנה מה. דאמר ר"י לאיזה רוח שירצה ילך מבואר דתלוי בבירורו.

67) כך מבואר ברשב"א לעיל ריש דף מה. (וע' סוגיא שם).

דף נג

68) נ"י ילקוט המאירי (סוטה דף יא) שכי' בשם גדול אחד דרב הוא דאמר חדש ממש דמצינו הרבה פעמים בשי"ס דרב מפרש לשון הפסוק או המשנה כפשוטו ("ממש") ושמואל מדחיק הלשון ומפרשו שלא כפשוטו, וע"ע בקובץ "יוסף דעת" שם שהביא יותר מעשרה מקומות בשי"ס דרב ס"ל ממש ושמואל מדחיק הלשון לומר דאינו ממש כפשוטו (לדוגמא - ע' שבת דף קנא. ופסחים דף טו. וגיטין דף נב: ובי"ק דף נב: ועוד, ומציין שם חד יוצא מן הכלל במדרש תהלים ע"ב ב' שהחליפו שיטתם), ע"כ, ולכאוי קשה לקבוע כללים ולפרש מדעתנו בעל המימרא היכא שהגמי סתמו, וע"ע בבן יהוידע כאן (ד"ה וראיתו) דג"כ נקט דרב הוא דאמר חדש ממש משום דהשי"ס נקט להאי מילתא חדש ממש בתחילה וכן רב נזכר קודם שמואל (וע"ע כני"ל למה סתמו הגמי אי ידוע שרב הוא דאמר חדש ממש)).

69) ד"ה ועדין י"ל (פ"ש ב').

70) אולם ק"ק לפי"ז דלכו"ע פרעה באמת ידע את יוסף וכוונת הקרא שעשה עצמו כאילו לא ידע (ובגמ' לא משמע כן).

דף נד

71) שם.
72) נ"י סוטה דף מג. דר"י ס"ל דאם בנה בית על מכונו אינו חוזר (דבעינן חדש ממש) והרמב"ם בפיה"מ שם כתב דלא קיי"ל כר"י (ולא בעינן בית חדש ממש), וע' בבן יהוידע כאן שכי' דהרמב"ם סמך על המ"ד במכילתין (לדעתו היינו שמואל) דס"ל דמלך חדש לאו דוקא.

73) לכאוי דיני מקח וממכר תלוי בלשון בני"א ומנהג המדינה וא"א להביא ראייה מלישנא דקרא, ואולי איירי דוקא במקום שאין הכרע בלשון בני"א (וקצת דמיון למשי"כ הרדב"ז על הרמב"ם פ"ט מהל' נדרים ה"ג לענין נדרים הולכים אחר לשון בני"א דבמקום דליכא הכרע בלשון בני"א אז הולכין אחר לשון המשנה), ועדיין צ"ע.

דף נה

74) ע"ע במהרש"א שבת דף סז. שבבאר ג"כ דחולי הגוף תלוי בחולי הנפש, וע"ע בנפש החיים שער ד' פט"ו שבבאר שע"י לימוד התורה כראוי ניצול מכל מיני פורעניות.

75) שער א' פ"ח.

76) ומדייק כן מלשון הנהג בהן מנהג דרך ארץ, כלומר עם התורה.

77) מובא במכתב מאלהו ח"א קונטרס החסד פ"ג (מצויין בספר מגדים חדשים כאן, ע"ש כל הענין באריכות), וע"ע בספר "קדשי יהושע" (ה' כרכים על עניני קדשים) סוף ח"ה סימן תכ"ב באריכות.

דף נו

78) ע' רמב"ם פ"י מהל' קדה"ח ח"א שכי' דנחלקו בזה חכמי ישראל (ולפי האמת הוא קצת פחות מששי"ה ורביע יום).

79) או"ח סימן ע"ט ד"ה והנה בעירובין (וע"ע ברש"י כאן).

80) אולם ע' מג"א ריש או"ח סימן א' סק"ד ומחצה"ש שם (דמשמע שיש הבנה אחרת בזוה"ר), וע"ע מג"א סימן רל"ג סק"ד.

81) המשניות יעקב כתב כן ללימוד זכות על המאחרין זמן קר"ש בקיץ ע"פ הזוהר דגם לענין קר"ש השעות שוות ולעולם סוף זמן קר"ש הוא 9:00, וכי"כ שם בשם היעב"ץ (אלא שמסיים דאין ראוי לירא שמים לסמוך ע"ז שהוא נגד דעת הרמב"ם), וע"ע בפני יהושע עמ"ס ברכות במהדורא בתרא (הנדפס מחדש שנת הפני"ו) דף ג. שג"כ מצדד זמן קר"ש הוי בזמן שוה לכל השנה שלא כהרמב"ם (ועוד ר"ל שם דהרמב"ם חזר מדין זה ומודה שלעולם זמנו שוה ואינו תלוי בן החמה), [וע"ע רמ"א בהל' פסח סימן תמ"ג ס"א בשם התה"ד דמשמע דחשינן שעות שוות לענין סוף זמן אכילת חמץ ע"ש ב"י] וע"ע דוגמא לזה בשי"ד יו"ד סימן קפ"ד סק"ז בשם האביאסף דלעולם חשיבין עונת הוסת משש עד שש (ע"ש בנקודת הכסף) [ולכאוי בזמן הקיץ במקומות שנוהגין ע"פ Daylight Savings Time יש להוסיף שעה אחת ומותר לקרות קר"ש עד שעה 10:00 לפי שיטות אלו, ועוד יש להעיר דלכאוי השעות שוות תלוי בשעה אמיתית (real local time) ולא ע"פ השעון שנוהגין היום שמשווין שטח גדול של המדינה לזמן אחד].

82) סימן א' סוף סק"ד וכן בסימן רל"ג סק"ד.

דף נז

83) וכן קיי"ל בשו"ע סימן קצ"ח ס"ו.

84) וכן פסק הרמ"א בסימן שצ"ח ס"ה.

85) סימן ק"י ס"ק י"ט ד"ה שצ"ח (וע"ש בסופו).

86) ומישב בזה הא דמשמע ברמ"א בסימן שצ"ח סעיף ה' שלא כהריטב"א, ע"ש בביה"ל.

דף נח

87) עבוה"ק להרשב"א שער ה' דין י"א כתב וכשהן מודדים מודדין שנים, וכ"כ רבינו יהונתן.

88) מצוה כ"ד ה-א, מובא בספר תיקון עירובין פ"ו ס"ק י"ח.

89) וכן משמע מסתימת הרמב"ם והשו"ע סימן שצ"ט ס"א דמודדים דוקא בחבל של פשתן.

90) אולם לשון "אין לך דבר יפה למדידה דחוק קצת לפי"ז, וע"ע ברע"ב על כלים פרק י"ד מ"ג שכי' שרגילים למדוד בשלשלת דוקא שהוא יותר טוב מחבל.

דף	This Al Hadaf was made possible by the following daf dedications...	יום	
מ	* לז"נ פייגא רבקה בת ר' שלום ז"ל * by Rabbi & Mrs. Jonah Weinberg In memory of our dear mother MRS. FANNIE POPKIN	יב חשון	Mon Nov 14
מא	לז"נ זיסל בת ר' אהרן איצקאוויץ ז"ל *	יג חשון	Tue
מב	לז"נ יעקב ברוך בן חיים אריה הלוי ווייזנסקי ע"ה *	יד חשון	Wed
מג		טו חשון	Thrs
מד		טז חשון	Fri
מה		יז חשון	שבת
מו	לז"נ אמי חיה פערל בת הר' שמעון זאב ז"ל * / In memory of Mrs. Clara Vitsick	יח חשון	Sun
מז		יט חשון	Mon
מח	לז"נ אלימלך חיים בן ירמיהו הלוי ז"ל * MR. CHARLES GOLDNER	כ חשון	Tue
מט	לז"נ משה אלעזר בן מרדכי Goldenberg ז"ל *	כא חשון	Wed
נ	לז"נ אבי מורי ר' משה בן שמעון דוד ז"ל * (מאת בנו לייב הופמן)	כב חשון	Thrs
נא	לז"נ הרב ר' אברהם אשר ב"ר יוסף יהושע צימערמאן ז"ל *	כג חשון	Fri
נב	לז"נ הרב שלום יוסף בן ר' שימה גוטמאן קושנער ז"ל *	כד חשון	שבת
נג	לז"נ רבקה בת ר' מרדכי הכהן קירשנבוים ז"ל *	כה חשון	Sun
נד		כו חשון	Mon
נה		כז חשון	Tue
נו		כח חשון	Wed
נז		כט חשון	Thrs
נח	In honor of Max & Zisel Fried Upon their 40 th Wedding Anniversary	א כסלו	Fri Dec. 2nd

* denotes *yartzeit*

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