

OVERVIEW of the Daf

1) Does a neighboring town count as only four amos? (cont.)

Although R' Idi questioned the distinction made by R' Yehoshua ben Levi concerning the issue of whether a neighboring town is counted as only four amos, Rava shows how that exact distinction is taught in a Mishnah.

R' Idi reads the Mishnah differently than Rava and clarifies the exact part of R' Yehoshua ben Levi's teaching that is not taught in the Mishnah that he considered prophetic.

R' Nachman explains how neither one of the two readings of the Mishnah is incorrect.

2) A town that borders a ravine

R' Yosef quotes others who rule: A town that borders on a ravine is not considered a town unless a wall four amos tall is built to prevent people from falling into the ravine.

R' Yosef quotes a Baraisa to show support for this ruling.

R' Safra and R' Dimi bar Chanina offer two alternative explanations to this Baraisa.

3) MISHNAH: A dispute between Tanna Kamma and R' Akiva is recorded concerning the question of whether the town in which an eruv is placed is considered four amos or not. All opinions, however, agree that if the two-thousand amos end in the middle of a cave he may not travel beyond that point.

4) Desolate towns

R' Yehudah in the name of Shmuel and R' Elazar disagree regarding an eruv placed in a desolate town. According to Shmuel two-thousand amos are measured from the eruv, whereas according to R' Elazar it measured from the edge of the town.

R' Elazar's position is unsuccessfully challenged.

An incident is recorded in which Rava states that the halacha follows Tanna Kamma.

הדרן עלך כיצד מעברין

5) MISHNAH: A dispute is recorded whether a non-Jew or Cuthite who shares a chatzer with Jews prohibits them from carrying in the chatzer. R' Gamliel cites a ruling on the issue from his father regarding a Tzeduki. ■

Gemara GEM

Befriending non-religious Jews

ר' אליעזר בן יעקב אומר לעולם אינו אסור עד שיהיו שני ישראלים אוסרים זה על זה

R' Eliezer ben Yaakov states: An idolater does not prohibit the use of a chatzer unless there are two Jews sharing the chatzer with the idolater.

R"י quoted in Tosafos (ד"ה ר' אליעזר) clarifies that although Chazal's decree to lease rights applies to Cuthites as well as idolaters, the primary thrust of the decree was aimed towards the idolater because of the fear that one may adopt some of their behaviors. Cuthites were not part of the primary decree because there is no concern that one may adopt their behaviors. R' Ovadyah Yosef (שו"ת יביע אומר ח"א יו"ד ס' י"א) explains that there is a fundamental difference between an idolater and a Cuthite. The idolater denies any validity to Torah and mitzvos whatsoever. The Cuthite, on the other hand, does not deny the validity of Torah and mitzvos. Although his beliefs are wrong, he is not considered dangerous since he recognizes the authority of Torah and mitzvos.

Rav Ovadyah Yosef uses this principle to respond to the Minchas Elazar (ח"א סי' ע"ד) who questions a ruling of Mahari Assad (שו"ת יהודה יעלה חיו"ד סי' נ'). Mahari Assad ruled that the halachah that prohibits wine touched by a Jew who publicly desecrates Shabbos applies only to a Jew who is familiar with the concept of Shabbos and desecrates Shabbos as a rebellion against Hashem. Nowadays, when unfortunately, many non-religious Jews desecrate Shabbos out of ignorance rather than rebellion not only is the wine they touch not prohibited, but one should make an effort to befriend them to bring them closer to Torah and mitzvos. The Minchas Elazar rejects Mahari Assad's assertion that one should make an effort to befriend them because there is a fear that by befriend them one may

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REVIEW and Remember

1. Why is it necessary for a town adjacent to a ravine to build a wall four amos high?
2. According to R' Dimi, why did Rabbi issue his decree only on Shabbos?
3. Why did Mar Yehudah instruct the residents of Mav-rachta to move the eruv to the far end of the shul?
4. What is the dispute between R' Gamliel and R' Yehudah?

HALACHAH Highlight

Intoxication on Shabbos and Yom Tov

On Shabbos when intoxication is common

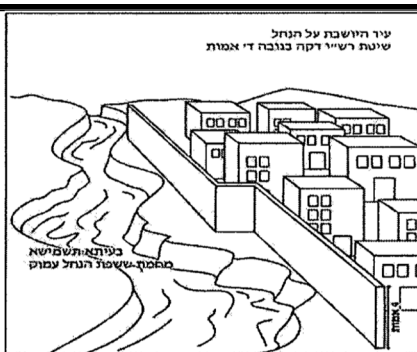
The Gemara relates that the residents of the city of Gader used to strike and kill the residents of the city of Chamsan so Rabbi enacted that it is prohibited for the residents of the city of Chamsan to enter the city of Gader on Shabbos. The reason why he imposed this restriction specifically on Shabbos is that on Shabbos they would become intoxicated and that state of intoxication is what caused them to be argumentative. The fact that it is common for people to become intoxicated on Shabbos is the rationale for the enactment to recite ואני תפילתי in mincha on Shabbos afternoon. Tur¹ based on the Midrash notes the juxtaposition of the pasuk that discusses those who sing taunting songs reminiscent of those who were drunk and the pasuk of ואני תפילתי. Dovid HaMelech was noting to Hashem that the Jewish People are not similar to the nations of the world. Generally, when people become intoxicated they debase themselves but when Jews become intoxicated they direct their attention to Hashem and ask for their tefilos to be answered.

Levush² notes that on Yom Tov we do not recite ואני תפילתי. He cites authorities who suggest that it is because we do not read Torah on Yom Tov afternoon but rejects that

שבת דשכיחא בה שכרות

Daf DIAGRAM

Rashi explains that the case of עיר היושבת על הנחל is a city that borders a ravine. If the residents build a partition four amos tall they become a city and their techum is measured from the wall but if they do not each resident measures his techum from the entrance to his home. ■



position since ואני תפילתי is not related to the reading of Torah. He suggests that the rationale why it is not recited on Yom Tov afternoon is that in contrast to Shabbos which is entirely for people (כולו לכם), Yom Tov contains an obligation to dedicate part of the day for Hashem (חצי לכם) and as such people restrain themselves from becoming intoxicated. For that reason it is recited only on Shabbos when there is a greater tendency to drink to emphasize that when Jews drink they sing praises of Hashem. On Yom Tov when there is less of a tendency to become intoxicated it is unnecessary to recite ואני תפילתי. ■

1. טור או"ח סי' רצ"ב.

2. לבוש שם סעי' א'.

Distinctive INSIGHT

Leasing rights to the city from government officials in a city with non-religious Jews

מעשה בצדוקי אחד וכו' There was a story involving a particular Tzeduki etc.

Rambam writes (עירובין פ"ב) הל' (הט"ז): One is not able to make an eruv or lease rights from a person who does not recognize the concept of eruv. This law is quoted in Shulchan Aruch (או"ח סי' א') as well. This halachah puts into question, asks the Chelkas Yaakov (או"ח סו"ס קפ"ב), the common practice when making an eruv to lease the public area from a government official. Since almost any community that builds an eruv

includes non-religious Jews who do not recognize the concept of eruv, leasing space from the government official should have no validity whatsoever.

The Chelkas Yaakov suggests a rationale from a halachah in Choshen Mishpat (סו"ס ר"ג). Shulchan Aruch mentions an opinion that holds that although the kinyan of chalipin is an ineffective kinyan for the acquisition of money, if one performs chalipin to acquire movable items and money it is effective. The reason is since the kinyan is effective on the movable items it can be effective for the money as well. In a similar fashion, although leasing rights from a person who does not recognize the concept of eruv is ineffective by itself once one is leasing rights from a non-Jew, with whom the lease is effective, it will work for the non-religious Jew as well.

Chazon Ish (פ"ג אות י"ג) suggests another answer to this dilemma. Tzedukim were a group of people who accepted some halachah and not others. Non-religious Jews of today, however, are different. Depending upon their background they are either treated like Jews for whom the eruv is effective or they are treated like apostates from whom rights can be leased. ■

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adopt their behavior.

From the statement of R"l, explains Rav Yosef, we see that the fear that a Jew may adopt the behavior of another applies only to a non-Jew. There is no such fear that applies to non-religious Jews and therefore one should follow Mahari Assad and make an effort to befriend non-religious Jews with the intent to bring them closer to Judaism. ■