

OVERVIEW of the Daf

1) Asking a non-Jew to rent out his rights in the chatzer (cont.)

Rava rejects Abaye's recommendation for dealing with the non-Jew who refused to rent his rights to the mavoi and suggests that one of the residents should befriend the idolater and ask to be able to store something in his chatzer.

Rava's suggestion is based upon a ruling of R' Yehudah in the name of Shmuel that an employee or farm hand can give his share of the eruv and that is sufficient for the idolater's residence.

R' Yosef ruled that this halachah applies even if there are many employees.

2) Commenting that a teaching is beautiful

When R' Nachman heard the previous teaching from R' Yehudah in the name of Shmuel he commented that it was beautiful. When he heard his ruling regarding the prohibition to issue a ruling after drinking a revi'is of wine he commented that it was not beautiful.

Rava was unhappy with R' Nachman's comments because it diminishes the honor of Torah.

3) Davening after drinking wine

Rabbah bar R' Huna ruled: One who drank wine should not daven, but if he did it is accepted. If he was drunk, his tefila is an abomination.

The difference between drinking wine and being drunk is defined.

Rami bar Abba explains how to dissipate intoxication.

The Gemara unsuccessfully challenges Rami bar Ab-

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REVIEW and Remember

1. Why did Rava recommend that a Jew become friends with a non-Jew?
2. At what point is one considered drunk?
3. What should a person do to secure new-found wealth?
4. Under what circumstances may a person walk past bread on the ground?

Distinctive INSIGHT

This lesson is pleasant

א"ר נחמן כמה מעליא הא שמעתא וכו' אר"נ לא מעליא הא שמעתא וכו' א"ל רבא מ"ט אמר מר הכי האמר ר' אחא בר חנינא וכו' כל האומר שמועה זו נאה וזו אינה נאה מאבד הונה של תורה
R' Nachman said: How pleasant is this teaching etc. R' Nachman said: This teaching is not pleasant. Rava asked: Did the master say this? Didn't R' Acha bar Chanina state etc., Any one who says this teaching is pleasant and this teaching is not pleasant loses the wealth of Torah.

According to Maharsha this prohibition is violated even if one merely states, "This teaching is pleasant," because one may infer from this statement that only this teaching is pleasant but others are not. Maharsha further supports his position from the pasuk quoted that teaches this principle. The pasuk reads, רועה זונות and the lesson is derived from the word זונות which is an acronym for the words זו נאה – this one is pleasant.

Rashash disagrees with Maharsha and cites numerous instances when Amoraim would praise particular teachings and therefore explains that the prohibition is violated only when a person contrasts two teachings and states that one is pleasant and the other is not. Support for the position of Rashash can be found in Rashi מ"ט where he quotes both of R' Nachman's comments. Furthermore, Rava did not question R' Nachman until after the second comment implying that had he merely stated, "This teaching is pleasant," Rava wouldn't have questioned his comment.

Rav Ovadyah Yosef (שו"ת יביע אומר ח"ב יו"ד סי' ט"ז) adds two additional points to this discussion. Firstly, Rav Yosef asserts that this prohibition applies only when commenting on a teaching of halachah, but if one hears a drosha or a lesson that does not directly relate to halachah even Maharsha would agree that it may be praised. The second point is derived from the fact that this statement of R' Acha bar Chanina is not mentioned in Rambam, Tur or Shulchan Aruch. The reason, explains Rav Yosef (בשם שו"ת פני מבין חיו"ד סי' שכ"ט), is because there is no actual prohibition violated if one says, "This teaching is pleasant and this one is not." R' Acha bar Chanina is merely teaching proper and appropriate conduct. ■

Today's Daf Digest is dedicated
In memory of the 38nd yahrzeit of
Our father HaRav Simcha Bunim ben R' Zalman Moshe HaLevi

HALACHAH Highlight

Leasing space from the "super"

ולשאול מיניה דוכתא ולינח ביה מידי

Ask from him some space and place something there

The Gemara discusses a mavoi in which a gentile also lives and rules that even if all of the Jewish residents made a shituf so that they should be able to carry in the mavoi it is ineffective until they lease the gentile's property. The Gemara then teaches that if the gentile is not interested in leasing his property it is sufficient to lease it from his sachir or lakit who are workers who have a minimal degree of residence on the gentile's property. Based on these principles, Rava suggested that one of the Jewish residents should become friendly with the gentile resident and request from him a small amount of space to store his items. By doing so he becomes a sachir or lakit since he has some residence in the gentile's property and with that has the authority to lease the gentile's property to others.

Teshuvah Va'ya'an Yosef¹ used this discussion to address the case of an apartment building that has many units and some of the units are occupied by gentiles. The Jews are interested in carrying in the common area on Shabbos and find it either cumbersome or embarrassing to ask each of the gentile tenants to lease some space every Shabbos to the Jewish tenants. The question is from whom may the Jewish

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ba's assertion that traveling a mil dissipates the effects of wine.

As a tangent to the previous challenge the Gemara mentions that there is a dispute whether one is permitted to annul a vow walking, standing or riding an animal.

As another tangent to the cited Baraisa the Gemara clarifies the issue of walking past a piece of bread. ■

residents lease the space occupied by the gentiles. On the one hand one could argue that the building owner is the sachir and lakit in this case since he has the obligation to maintain the property and make repairs which give him partial residence in each of the apartment. Alternatively, the space could be leased from the superintendent - "super" - who actually maintains the property and enters people's apartments to make the necessary repairs. After a lengthy analysis of the issues he concludes that it is certainly sufficient to lease the gentile's units from the "super" since he is the one who has the obligation to maintain the units and has regular access to their apartments when necessary. Although he is hired by the building owner, Rema² teaches that it is sufficient for one to be the sachir or lakit from someone who is the sachir or lakit of the gentile and the "super" certainly fulfills that role. ■

1. שו"ת ויען יוסף סי' ר"ז.

2. רמ"א או"ח סי' שפ"ב סעי' י"א. ■

Distinctive INSIGHT

Renting from an employee

ואמר רב יהודה אמר שמואל אפילו שכיר ואפילו לקיטו נותן עירובו ודיו

From The Contemporary Eruv:

Where sechiras reshus must be done on a public area such as a street, one goes to a person that can control access to the street and contracts the sechiras reshus from that person, his agent, or his employee. A prevalent practice is to contract the sechiras reshus from the police who have the authority to manipulate traffic on the streets. It is preferable to go to a commissioner or another high ranking official who has actual jurisdiction over the streets in

question. One may, however, also approach a regular officer - who falls into the category of an agent or employee of the higher official.¹ I have heard in the past of eruv committees contracting sechiras reshus from officials such as the Borough Presidents of New York City.² Some rabbinic authorities have questioned this practice, since these officials may not be empowered to authorize street closings.

1. Shulchan Aruch 391:1; Chazon Ish 82:9. The Chazon Ish writes that the logic behind this halachah is not that the municipal authorities are akin to landlords. Rather, their authority to control the areas in question is similar to tefisas yad. They are therefore, in effect, the agents and employees of whoever the true halachic owner

might be - here, the citizenry of the city (a similar rationale is advanced by the Tikvas Zecharia.)

2. See Nesivos Shabbos 37:27, note 93. In Israel it is preferable to contract the sechiras reshus with a police officer, who represents a national level of authority, than from the mayor, who represents only a municipal level of authority. The Nesivos Shabbos also notes that certain areas, such as embassies of foreign nations, are not subject to any form of the host country's jurisdiction. Therefore, no umbrella sechiras reshus will be effective for these areas. See also Mishna Berura 391:18 and Hilchos Eruvin 8:21 note 208, that renting from the police is preferable to renting from the army. ■