

## OVERVIEW of the Daf

### 1) Pebbles (cont.)

Three accepted resolutions are presented to resolve the contradiction between our Mishnah and a Mishnah in Ohalos regarding pebbles.

### 2) Placing a board over the ditch

Rava distinguishes with regards to the ruling in the Mishnah between placing the board across the width of the ditch and placing it across the length of the ditch.

### 3) Balconies

Rava presents different ways the balconies could be arranged and the halachos for each arrangement.

**4) MISHNAH:** The Mishnah discusses the issue of a haystack that separates two chatzeros.

### 5) Feeding animals from the haystack

R' Huna rules that one may not take straw from the haystack and feed it to his animals.

The Gemara questions the permissibility of leading the animal to the haystack out of fear that the owner may handle the straw which is muktzeh.

The Gemara answers that in fact he may not physically lead the animal to the haystack rather he may stand in front of it so the animal will go on its own.

R' Huna's ruling is unsuccessfully challenged from a Baraisa.

### 6) Clarifying the Baraisa

The Gemara clarifies a number of points from the above cited Baraisa.

**7) MISHNAH:** The easiest method of making a shituf for the mavoi is described.

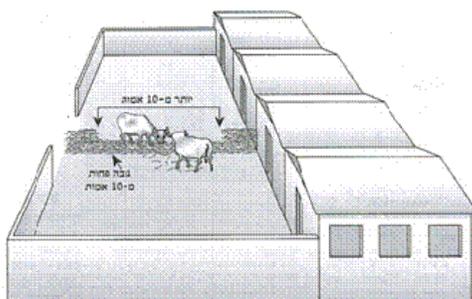
### 8) The shituf

R' Yehudah rules that for the shituf to be effective it must be lifted off the ground a tefach.

Rava quotes this ruling, as well as another ruling, in the name of the elders of Pumbedisa. This leads the Gemara to quote other rulings from the elders of Pumbedisa. ■

## Daf DIAGRAM

מתבן שבין שתי חצירות גבוה עשרה טפחים מערבין שנים ואין מערבין אחד



If two chatzeros are separated by a haystack that is ten tefachim high, each chatzer must make its own eiruv chatzeros. If, however, the height of the haystack becomes a of ten amos, the partition is considered breached and they must make one eiruv rather than two. ■

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## Distinctive INSIGHT

Defining the duration of ביטול

הנח איסור שבת דאפילו ארנקי נמי מבטל

The Gemara (Sukkah 4a) discusses a sukkah which is unacceptable because its roof of schach is higher than twenty amos above the floor. Straw or dirt is then placed in a pile to be left there, thus causing the distance between the heightened floor and the schach to be within twenty amos. The Gemara rules that this is acceptable. The question the rishonim discuss is whether the ביטול must be forever, or if it is enough for the pile of dirt or straw to be intended to be left in its spot for the duration of the seven days of Sukkos? Those who maintain that it is adequate for the ביטול to be for seven days bring a proof from our Gemara, where a wallet is considered to be “permanently placed”, even though it will only remain in its place for the duration of Shabbos.

Terumas HaDeshen (1:#75) notes that it could very well be that even according to those who require that the pile of dirt be placed in the sukkah indefinitely, yet, here it would be sufficient for the wallet to be considered בטל although it will be there for only Shabbos. Here, we are dealing with the laws of muktzeh, which is rabbinic, and everyone would agree that the fact that the wallet will not be moved for the duration of Shabbos is adequate.

Ritva (Sukkah 4a) requires that the dirt or straw which is used to minimize the distance of the height of the sukkah must be placed in its spot indefinitely. Otherwise, he explains, once a person plans to remove this pile eventually (after seven days) we must anticipate that he might move it even now. Yet, in our case, where the wallet cannot be moved on Shabbos due to the laws of muktzeh, there would be no risk that the person might take it at any moment. Therefore, even according to Ritva, the ביטול for the one day of Shabbos would be adequate.

Avnei Nezer (O.C. 1, #292:1) explains that when a wallet is put in its location for Shabbos, the prohibition associated with moving this wallet allows us to see it as if the wallet is cemented to the ground. This is not simply a question of ביטול, but it is now considered as if the wallet is physically attached to the ground. ■

# HALACHAH Highlight

## Using a leech on Shabbos

מעמיד אדם את בהמתו על גבי עשבים בשבת

A man may place his animal on grass on Shabbos

**R'** Huna in the name of R' Chanina rules that it is acceptable for an animal to perform a melachah on Shabbos as long as the animal does it for its own needs and allowing an animal to do so is not prohibited in the category of mechamer. For this reason it is permitted to bring an animal to a pasture even though one knows that the animal will pull out grass from the ground as it eats. Tosafos<sup>1</sup> explains that the rationale for the leniency is that if this were not permitted the animal would not experience menuchah, it would suffer and the Torah states that animals should rest (למען ינוח) on Shabbos. This halachah is codified in Shulchan Aruch<sup>2</sup> as well. Poskim discuss whether it is permitted to allow an animal to perform a melachah if a person also benefits from that melachah.

Magen Avrohom<sup>3</sup> discusses whether it is permitted to place a leech on one's body for medicinal purposes. He cites a Gemara in Sanhedrin (76b) regarding liability of a person who causes a snake to bite a person and that person dies. According to Rashi, what emerges from that Gemara is that if the animal acts immediately after placed down by a person, it is considered as though the person himself inflicted the wound and he could be sentenced to death for putting the snake on the person. Accordingly, since a leech begins to suck out blood as soon as it is placed on a person it is considered as though the person is the one who did the melachah and it is prohibited. Even HaOzer<sup>4</sup> questions why placement of the leech on a person is any different from our Gemara that permits bringing an animal to a pasture to eat. He answers that when it comes to damages the main issue is whether it is inevitable that damage will occur (ברי הזיקו). Regarding Shabbos the criteria is whether the act constitutes meleches machsheves or not. When one brings his animal to a pasture his intent is not to do melachah; his intent is that the animal should eat. Since he is not doing anything or directly benefitting from what the animal does it is permitted. In the case of the leech since the person's intent is to benefit from the melachah that will be done it is prohibited. ■

<sup>1</sup> תוס' שבת קכ"ב. ד"ה מעמיד.  
<sup>2</sup> שו"ע ארו"ח סי' שכ"ד סעי' י"ג.  
<sup>3</sup> מג"א סי' שכ"ח ס"ק נ"ג.  
<sup>4</sup> אבן העוזר על המג"א שם. ■

# REVIEW and Remember

1. The Mishnah ruled that a board must be four tefachim to connect two chatzeros. How did Rava qualify this halachah?
2. How is the halachah going to change between a haystack in a house and outside?
3. Why is it necessary to confer ownership of the shituf to the other residents of the mavoi?
4. How much wine must a person drink to fulfill the mitzvah of Kiddush?

# Gemara GEM

## An Eved and Eiruvei Techumin

ואומר הרי זו לכל בני מבוי ומזכה להן על ידי בנו ובתו הגדולים ועל ידי עבדו ושפחתו העברים ועל ידי אשתו אבל אינו מזכה לא על ידי בנו ובתו הקטנים ולא על ידי עבדו ושפחתו הכנענים מפני שידן כידו

**I**n a fascinating comparison, the Rogatchover (Tzofnas Pa'anei'ach, Mahadura Tinyana 33d) contrasts the law that Canaanite slaves are not capable of contracting eiruvim with the law (Rambam, Hil. Klei Mikdash 1:13) that broken כלי שרת (holy vessels used in the Beis HaMikdash) that were melted and forged again remain holy.

In the introduction to Moreh Nevuchim (volume two, fourth introduction), the Givas HaMoreh distin-

guishes between sudden changes and gradual changes. The Rogatchover expands on this distinction, and asserts that abrupt changes indicate a change into a new entity, while gradual changes indicate that the entity retains at least some degree of its previous status.

The Rogatchover explains that this distinction underlies the difference between a convert and a slave in terms of the fulfillment of the mitzvah of פרו ורבו. A convert's conversion is done with his intent and consent, while a slave's release is not done with his intent and consent. Thus, a convert's change in status is gradual, while a servant's is abrupt. Hence, the children that a convert had before he converted count towards the mitzvah of procreating, while the children that a servant had before he was released do not

count towards the mitzvah.

Similarly, the melting and forging of the broken כלי שרת is gradual, and therefore the כלי שרת retains its holiness. On the other hand, upon his release, the servant becomes a completely new entity. Extrapolating backwards, the Rogatchover concludes that a servant, prior to his release, has no legal identity. His capacity to eat from his master's korban pesach, or from the master's terumah if the master is a Kohen, is an extension of the master's status, not a function of his own.

A ramification of his lack of legal identity is that a servant does not need to have his own two meals when he participates in an eiruv techumin with his master. In this respect, he is like a child, who is a part of his mother's eiruv (below 82a). ■