

OVERVIEW of the Daf

1) A pit between two chatzeros

R' Yehudah in the name of Shmuel ruled: A pit between two chatzeros that is distant at least four tefachim from each chatzer may be used by residents of both chatzeros if a slat is extended from the wall of the chatzer to the pit.

R' Yehudah maintains that even a reed rather than a slat is sufficient.

Abaye said to R' Yosef: This ruling of R' Yehudah, requiring an adjustment for the residents to be permitted to draw water from the pit, is consistent with Shmuel rather than Rav, since Rav maintains that no adjustment would be required.

The Gemara identifies the sources that led Abaye to state that Shmuel would require an adjustment and Rav would not.

R' Elazar unsuccessfully challenged Rav's ruling.

R' Pappa suggested to Rava that Shmuel's ruling is inconsistent with a ruling of R' Dimi.

The Gemara explains how the two rulings are in fact consistent.

Ravina unsuccessfully questioned whether Rav, in fact, maintains that one does not restrict by way of air.

2) MISHNAH: The Mishnah lists structures that are considered dwellings and others which are not. The eiruv must be placed into a structure considered a dwelling and only dwellings can restrict the use of the chatzer.

3) Dwelling guidelines

R' Yehudah the son of R' Shmuel bar Sheilas stated: The eiruv may not be stored in a place which does not restrict because it is not a dwelling, but a shituf may be stored in a place that is not a dwelling.

The Gemara questions the novelty of R' Yehudah's ruling since these guidelines could be deduced from our Mishnah.

The Gemara answers that the two exceptions taught by R' Yehudah are indeed novel. A Baraisa is cited that supports R' Yehudah's ruling.

R' Yehudah in the name of Shmuel issued a ruling concerning a group that was eating together when Shabbos began, that the food on the table may be used as the eiruv or shituf.

Abaye cites an additional Baraisa that supports the principle that the eiruv is placed in a house in the chatzer and the shituf is placed in a chatzer in the mavoi.

4) Retaining a holding on a residence – תפיסת יד

The Gemara cites an example of one who retained a holding on his residence despite the fact that others live in the residence.

The Gemara begins to retell of the interaction between Rebbi and Bunyas ben Bunyas. ■

Gemara GEM

Rebbe honors the wealthy

בנייט בן בוניט אטא לקמיה דרבי אמר להו פנו מקום לבן מאה מנה.
ולאחר אמר פנו מקום לבן מאתים מנה

Rebbe had a policy to honor the wealthy—עשירים. Our Gemara demonstrates how he did so, and it continues to reveal the scriptural source for this custom from the verse in Tehillim 61:8.

Chasam Sofer notes that until the time of Rebbe, one's financial standing was not considered in the beis midrash. People were seated based upon their level of Torah wisdom, and when two people possessed a comparable level of scholarship, precedence was then given to the one whose family ancestry was more illustrious (ייוחס). In either case, wealth was not a factor in the beis midrash. Rebbe Akiva and Rebbe introduced the idea that if two students were equal in scholarship and familial stature, then their financial standing would then be considered, and the one who was more wealthy was considered deserving of honor. The justification for using this as a legitimate criteria was based upon the verse in Tehillim.

Earlier, in the story of Bunyas ben Bunyas, the Gemara did not have to cite the verse in Tehillim to prove its point. It is clear that a wealthier man deserves more honor than one who is not as wealthy. If a person owns massive material holdings, and he remains focused and dedicated in his service of Hashem, this is certainly to be recognized to his credit. The trials and tests of riches are significant, and the greater the trial, the greater the achievement. Such a person is to be commended.

The novelty of Rebbe was to show deference to the wealthy more than to the poor. After all, although the rich has his daily test in dealing with his challenges, the poor also are faced with daily ordeals. Who is to say whose test is more difficult, and who is to say which of these men deserve more credit and honor for having prevailed? It is in this case that Rebbe introduced the policy that although both the rich and the poor have to endure the respective challenges to their avodas Hashem due to their financial conditions, yet, it is the rich man who is to be recognized and honored for his triumphs. The verse highlights the kindnesses and good deeds that are to his credit, and the support they provide for talmidei chachamim remains to their advantage forever. ■

REVIEW and Remember

1. Explain Rav's principle: אין אדם אוסר על חברו דרך אויר.
2. How did Rav refute R' Elazar's challenge ?
3. What is the guiding principle to determine whether the eiruv may be placed in a particular building?
4. Are there any restrictions regarding where the shituf may be stored ?

HALACHAH Highlight

Naming a child after his living father

Bunyas the son of Bunyas

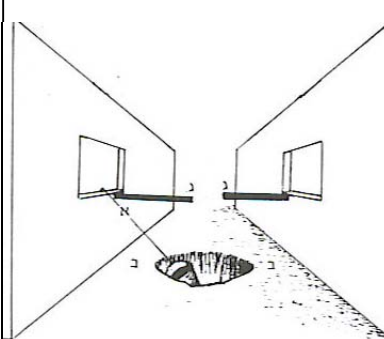
Our Gemara makes reference to a man named Bunyas ben Bunyas. Sefer Chassidim¹ writes that gentiles name their children after their father and there is no issue with it but Jews are particular about this matter and in some places they do not name children after people who are alive, only after people who already passed away. Gaon Chida² writes that all places have the custom to not name a child after a living father, and he reports that there was once a person named Mordechai who named his son Mordechai and people found it to be highly unusual. From his comments it is evident that even Sephardim who have no issue with naming a baby after someone who is alive agree that a father should not name his child after himself. What then is the story with Bunyas ben Bunyas in our Gemara?

Sefer Zecher Dovid³ explains that when a father dies before his son is born the custom is to name the child after his father since, according to Arizal, the father's soul is reincarnated in his son. If the father is alive, however, the son should not be named after his father as instructed by Sefer Chassidim. In light of our Gemara and other instances in which sons bear the name of the their fathers, we would be forced to conclude that in all of those instances the father must have died before the bris milah of his son. This explanation is not satisfactory for our Gemara since it is evident as the incident unfolds that Bunyas the father was alive

בוניס בן בוניס

Daf DIAGRAM

בור שבין שתי חצרות מופלגת מכותל זה ארבעה ומכותל זה ארבעה זיז כל שהוא וממלא מוציא זיז כל שהוא וממלא



If a water pit is situated between two chatzeros, if the pit is four tefachim from the wall of each chatzer (ב) the residents of the chatzeros may draw water from the pit on Shabbos as long as they put out a slat (ג) from the chatzer wall. Rashi explains that the purpose of the slat is to serve as a reminder that an area under the domain of different chatzeros normally requires an adjustment. ■

while his son was alive. Peirush Rash ben Ha'yasom⁴ suggests that in the time of the Gemara the concern expressed by Sefer Chassidim was not yet in place and thus they did not find there to be an issue of naming a child after his living father and thus no proof can be cited for the Gemara for our times. Nowadays that people are particular about this, one may not name his child after himself. ■

¹ ספר חסידים סי' ת"ס.

² ברית עולם שם.

³ ספר זכר לדוד מאמר ראשון פרק פ"ג.

⁴ פירוש ר"ש בן היתום למ"ק ה. ד"ה משמיה דר' עוזיאל. ■

Distinctive INSIGHT

Tefisas Yad in the Mishkan and the Beis HaMikdash

רבי יהודה אומר אם יש שם תפיסת יד של בעל הבית אינו אוסר

Rashba (Avodas HaKodesh, 4:3) writes:

When a non-Jew rents his property to another non-Jew, if the owner retains the right to remove the tenant whenever he wants, then sechiras reshus may be done from the owner - even if he has not removed the tenant yet. [There are two reasons why this is the halachah,] because the sechiras reshus is itself a form of removal, and because [under such circumstances] the owner is the primary authority. If, however, the owner cannot remove the tenant, then the sechiras reshus must contracted with the tenant. It seems to

me that if, however, the owner has some control over the property he has rented to the tenant, such as objects stored on that property, or even just the right to place objects on the property, then one may even rent the right to carry from the owner, who is then no worse than the employee or agent of the tenant.

The ruling of the Rashba is codified as accepted practice in the Shulchan Aruch (382:18,19. See the Mishna Berura there, §60-64 and §75-77). Control of an owner over property through the placement of objects is known as תפיסת יד - literally: under the control of one's hand.

The Yismach Moshe (Ki Sisa 189a) extrapolates from this Gemara a mystical interpretation of the purpose of the תפיסת השקל—the annual half-shekel donation required from each Jewish man—and its association with the Mish-

kan: Bnei Yisrael were each required to give a half of a shekel towards the building of the Mishkan. They gave these coins in the course of a census, individually – albeit giving the same, common sum. A census by its nature counts – identifies – individuals, each person remained an entity unto himself. However, because the coins went for the construction of the Mishkan, they were, in fact, bound together by the process. How so? By giving these coins, each person acquires a portion in the Mishkan. Each person, hence, has a תפיסת יד, a hold in the Mishkan. Just as in terms of an eiruv, a תפיסת יד creates a bond and a union, so too the common תפיסת יד in the Mishkan bound and united the Bnei Yisrael together – and together with Hashem. ■

