״רַבִּי יְהוּדָה אוֹמֵר אַף בֵּית הַקְּבָרוֹת״. תָּנָא: מִפְּנֵי שֶׁיָּכוֹל לָחוֹץ, וְלֵילֵךְ בְּשִׁידָּה תֵּיבָה וּמִגְדָּל. קָא סָבַר: אֹהֶל זָרוּק שְׁמֵיהּ אֹהֶל.

We learned in the mishna that **Rabbi Yehuda says:** An *eiruv* may be established for a priest **even** in **a cemetery,** an area which the priest may not enter by Torah law. **It was taught:** This is permitted **because** the priest **can interpose and walk** between the graves inside **a carriage, a crate, or a cupboard.** These containers do not contract impurity because of their large size, and anything found inside of them remains pure. From here we see that **he holds** the following: **A moving tent**[N] **is called a tent,** and therefore the carriage, box, or cupboard are also considered tents. They shield a person carried in them from the impurity imparted by the graves in a cemetery.

וּבִפְלוּגְתָּא דְּהָנֵי תַּנָּאֵי; דְּתַנְיָא: הַנִּכְנָס לְאֶרֶץ הָעַמִּים בְּשִׁידָּה תֵּיבָה וּמִגְדָּל, רַבִּי מְטַמֵּא, רַבִּי יוֹסֵי בְּרַבִּי יְהוּדָה מְטַהֵר.

The Gemara notes that this matter is the subject of **a dispute between the following** ***tanna'im*****, as it was taught** in a *baraita*: With regard to **one who enters the land of the nations,** i.e., any territory outside Eretz Yisrael, not on foot, but **in a carriage, a crate, or a cupboard,**[H] **Rabbi** Yehuda HaNasi **renders** him ritually **impure. Rabbi Yosei, son of Rabbi Yehuda, renders** him **pure.**

בְּמַאי קָמִיפַּלְגִי? מָר סָבַר: אֹהֶל זָרוּק – לָאו שְׁמֵיהּ אֹהֶל, וּמָר סָבַר: אֹהֶל זָרוּק – שְׁמֵיהּ אֹהֶל.

The Gemara explains: **With regard to what do they disagree? One Sage,** Rabbi Yehuda HaNasi, **holds** that **a moving tent is not called a tent.** The principle is that only something fixed can shield against ritual impurity, but if one is situated inside a portable vessel, the vessel contracts impurity and he becomes impure along with it. **And** the other **Sage,** Rabbi Yosei, son of Rabbi Yehuda, **holds** that **a moving tent is called a tent,** and it shields the person inside from contracting ritual impurity.

וְהָא דְּתַנְיָא, רַבִּי יְהוּדָה אוֹמֵר:

And with regard to **that which was taught** in a *baraita*: **Rabbi Yehuda says:**

NOTES

Moving tent – אֹהֶל זָרוּק: Any wooden vessel with a volume larger than forty *se'a* does not contract ritual impurity. Instead, it acts as a barrier against impurity and has the status of a tent. Therefore, if a corpse is located within it, anything situated underneath it contracts ritual impurity. In this context, the dispute is whether or not a portable item can be considered a tent (*Tosafot*).

HALAKHA

One who enters the land of the nations in a carriage, a crate, or a cupboard – הַנִּכְנָס לְאֶרֶץ הָעַמִּים בְּשִׁידָּה תֵּיבָה וּמִגְדָּל: One who enters a country outside of Eretz Yisrael in a carriage, crate, or cupboard is ritually impure. A moving tent is not called a tent, since the *halakha* is ruled in accordance with the opinion of Rabbi Yehuda HaNasi when he disagrees with his colleagues (Rambam *Sefer Tahara*, *Hilkhot Tumat Met* 11:5).

Perek **III**
Daf **31** Amud **a**

מְעָרְבִין לְכֹהֵן טָהוֹר בִּתְרוּמָה טְהוֹרָה בַּקֶּבֶר. הֵיכִי אָזֵיל – בְּשִׁידָּה תֵּיבָה וּמִגְדָּל.

One may establish an ***eiruv*** **for a priest who is** ritually **pure with** ***teruma*** **that is** ritually **pure** and resting **on a grave,** even though the location is impure and he cannot reach it. **How does he go** there? **In a carriage, crate, or cupboard,** which shield him from the ritual impurity.

וְהָא כֵּיוָן דְּאַחְתָּא אִיטַּמְיָא לָהּ! בְּשֶׁלֹּא הוּכְשְׁרָה, אוֹ שֶׁנִּילוֹשָׁה בְּמֵי פֵּירוֹת.

The Gemara asks: **Isn't** it true that **once** the *eiruv* **was placed** directly on the grave, the *teruma* **became defiled,** and ritually impure *teruma* is not fit to be eaten by anyone? The Gemara answers: We are dealing here with a case **where** the *teruma* **had not yet been rendered susceptible** to ritual impurity,[N] as it had not yet come into contact with a liquid. Produce that has yet to come into contact with a liquid does not contract impurity. **Or** we are dealing with bread **that was kneaded with fruit juice,** which is not one of the seven liquids that render a food susceptible to ritual impurity.

וְהֵיכִי מַיְיתֵי לַהּ? בִּפְשׁוּטֵי כְּלֵי עֵץ דְּלָא מְקַבְּלֵי טוּמְאָה.

The Gemara now asks: **How can he bring it** from where it is resting on the grave in order to eat it? The Gemara answers: **With flat wooden utensils** that are not shaped as receptacles and therefore **do not contract** ritual **impurity.**

וְהָא קָא מַאֲהִיל! דְּמַיְיתֵי לַהּ אֲחוֹרֵיהּ.

The Gemara asks: **Doesn't** the utensil **cover** the grave? The Sages decreed that anyone who holds a utensil that is a handbreadth wide over a corpse or grave is ritually impure. The Gemara answers: **He may bring it on the edge**[N] of the utensil while holding the utensil sideways so that it does not form a cover that is a handbreadth wide over the grave.

אִי הָכִי מַאי טַעְמָא דְּרַבָּנַן? קָסָבְרִי: אָסוּר לִקְנוֹת בַּיִת בְּאִיסּוּרֵי הֲנָאָה.

The Gemara asks: **If** that is **so,** and there is a way for the *teruma* to remain ritually pure and for the priest to access it, **what is the reason** the Sages disagreed with Rabbi Yehuda and did not allow an *eiruv* to be established for a priest on a grave? The Gemara answers: **They hold** that **it is prohibited to acquire a home with items from which benefit is prohibited.** It is prohibited to derive benefit from a grave. Since one acquires a place of residence for Shabbat by means of the *eiruv*, it would be as if the priest acquired a home for himself with something from which he may not derive benefit.

NOTES

Had not yet been rendered susceptible to ritual impurity – בְּשֶׁלֹּא הוּכְשְׁרָה: The Torah states: "Of all food that may be eaten, that upon which water comes, shall be unclean" (Leviticus 11:34). Food that has not yet come into contact with water is not susceptible to ritual impurity. Therefore, even if it comes into contact with something that is ritually impure at any level of ritual impurity, the food itself does not become impure. The Sages had a tradition that the word water stated in the Torah in this context includes other liquids as well: Dew, wine, oil, blood, honey, and milk. Contact with any one of these liquids causes food to become susceptible to ritual impurity. However, dough kneaded with the juice of fruits other than olives or grapes does not become susceptible to ritual impurity.

He may bring it on the edge – דְּמַיְיתֵי לַהּ אֲחוֹרֵיהּ: The Jerusalem Talmud explains that in this case one creates a hole in a carriage, crate, or cupboard and brings the *teruma* inside by means of thin wooden chips or poles. A wooden utensil that is less than a handbreadth wide does not contract impurity inside a tent. In addition, a wooden utensil that cannot serve as a receptacle does not contract impurity, even through contact with a ritually impure object.

מִכְּלָל דְּרַבִּי יְהוּדָה סָבַר: מוּתָּר?! קָסָבַר: מִצְוֹת לָאו לֵיהָנוֹת נִיתְּנוּ.

The Gemara asks: If so, does this prove **by inference that Rabbi Yehuda holds** that **it is permitted** to acquire a home with items from which benefit is prohibited? The Gemara answers: Rabbi Yehuda **holds** that **mitzvot were not given for benefit.**[N] The fulfillment of a mitzva is not in itself considered a benefit. Since the acquisition of a place of residence by means of an *eiruv* is a mitzva, as one may establish an *eiruv teḥumin* only for the sake of a mitzva, it is even permitted to establish one's *eiruv* in a place from which it is prohibited to benefit.

אֶלָּא הָא דַּאֲמַר רָבָא: מִצְוֹת לָאו לֵיהָנוֹת נִיתְּנוּ, לֵימָא כְּתַנָּאֵי אֲמָרָהּ לִשְׁמַעְתֵּיהּ? אָמַר לָךְ רָבָא: אִי סְבִירָא לְהוּ דְּאֵין מְעָרְבִין אֶלָּא לִדְבַר מִצְוָה – דְּכוּלֵּי עָלְמָא מִצְוֹת לָאו לֵיהָנוֹת נִיתְּנוּ. וְהָכָא בְּהָא קָמִיפַּלְגִי; מָר סָבַר: אֵין מְעָרְבִין אֶלָּא לִדְבַר מִצְוָה, וּמָר סָבַר: מְעָרְבִין אֲפִילּוּ לִדְבַר הָרְשׁוּת.

The Gemara suggests: **But** if so, with regard to **that which Rava said: Mitzvot were not given for benefit, let us say** that **he stated his *halakha*** only **in accordance with** the opinion of one side in a dispute between ***tanna'im***. The Gemara answers that **Rava** could have **said to you: If they hold that one may establish an *eiruv* only for the sake of a mitzva, all would agree** that the *eiruv* may be placed on a grave because **mitzvot were not given for benefit.** However, the dispute between Rabbi Yehuda and the Sages centers on a different aspect of the issue. **Here, they disagree with regard to this: One Sage,** Rabbi Yehuda, **holds: One may establish an *eiruv* only for the sake of a mitzva.**[N] Since mitzvot do not constitute forbidden benefit, it is therefore permitted to make use of the grave. **And one Sage,** i.e., the Rabbis, **holds: One may establish an *eiruv* even for a voluntary matter.** Establishing a Shabbat residence on the site of a grave by means of an *eiruv* made for a voluntary matter is regarded as forbidden benefit, and therefore it is prohibited.

אֶלָּא הָא דְּאָמַר רַב יוֹסֵף: אֵין מְעָרְבִין אֶלָּא לִדְבַר מִצְוָה – לֵימָא כְּתַנָּאֵי אֲמָרָהּ לִשְׁמַעְתֵּיהּ?

The Gemara suggests: **But** if so, with regard to **that which Rav Yosef said** as a general principle: **One may establish an *eiruv* only for the sake of a mitzva, let us say** that **he stated his *halakha* in accordance with** one side in a dispute between the ***tanna'im***.

אָמַר לָךְ רַב יוֹסֵף: דְּכוּלֵּי עָלְמָא אֵין מְעָרְבִין אֶלָּא לִדְבַר מִצְוָה, וּדְכוּלֵּי עָלְמָא מִצְוֹת לָאו לֵיהָנוֹת נִיתְּנוּ, וּבְהָא קָמִיפַּלְגִי; מָר סָבַר: כֵּיוָן דִּקְנָה לֵיהּ עֵירוּב – לָא נִיחָא לֵיהּ דְּמִינְּטְרָא, וּמָר סָבַר: נִיחָא לֵיהּ דְּמִינְּטְרָא, דְּאִי אִיצְטְרִיךְ אָכֵיל לֵיהּ.

The Gemara answers: **Rav Yosef** could have **said to you:** In fact, **all agree** that **one may establish an *eiruv* only for the sake of a mitzva, and all agree** that **mitzvot were not given for benefit, and they disagree with regard to this: One Sage,** Rabbi Yehuda, **holds: Once** he **acquired his** Shabbat residence at twilight by means of the ***eiruv*, he is indifferent to its safeguarding,** as his main goal has already been achieved. He has no further need for the food used for the *eiruv*, and therefore, he receives no benefit from its placement on the grave. **And one Sage,** i.e., the Rabbis, **holds: It is pleasing to him that** the *eiruv* **is safeguarded, for if he needs** it the next day, **he can eat it.** According to this opinion, he would be making prohibited use of the grave to preserve his meal for the following day, and therefore the Sages prohibited placing an *eiruv* on a grave.[H]

מתני׳ מְעָרְבִין בִּדְמַאי, וּבְמַעֲשֵׂר רִאשׁוֹן שֶׁנִּטְּלָה תְּרוּמָתוֹ, וּבְמַעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ שֶׁנִּפְדּוּ, וְהַכֹּהֲנִים בְּחַלָּה.

MISHNA **One may establish an *eiruv* with *demai*,**[H] produce purchased from one who may not have separated the required tithes, **and** similarly, one may establish an *eiruv* **with** the **first tithe whose *teruma* has been taken** in order to be given to a priest, **and with** the **second tithe and consecrated articles that have been redeemed; and priests** may establish an *eiruv* **with *ḥalla*,** the portion of dough that must be given to a priest.

אֲבָל לֹא בְּטֶבֶל, וְלֹא בְּמַעֲשֵׂר רִאשׁוֹן שֶׁלֹּא נִטְּלָה תְּרוּמָתוֹ, וְלֹא בְּמַעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ שֶׁלֹּא נִפְדּוּ.

However, one may **not** establish an *eiruv* **with *tevel*,** produce from which the priestly dues [*teruma*] and other tithes have not been separated, **nor with first tithe whose *teruma*,** which must be given to a priest, **has not been taken, nor with** the **second tithe or consecrated articles that have not been redeemed.**

גמ׳ ״דְּמַאי״, הָא לָא חֲזֵי לֵיהּ! מִיגּוֹ דְּאִי בָּעֵי מַפְקַר לְהוּ לְנִכְסֵיהּ וְהָוֵי עָנִי, וַחֲזוּ לֵיהּ – הָשְׁתָּא נַמִי חֲזֵי לֵיהּ. דִּתְנַן: מַאֲכִילִין אֶת הָעֲנִיִּים דְּמַאי

GEMARA The Gemara asks: How can one establish an *eiruv* with ***demai*? Isn't it unfit for him?**[N] Since it is prohibited to eat *demai*, how can it be used as an *eiruv*? The Gemara answers: **Since if he wants, he could declare his property ownerless, and he would be a poor** person, **and** the *demai* would then **be fit for him,** as a poor person is permitted to eat *demai*, **now too,** even though he has not renounced ownership of his property, **it is** considered **fit for him** to use as an *eiruv*. **As we learned** in a mishna: **One may feed the poor *demai*,**

NOTES

Mitzvot were not given for benefit – מִצְוֹת לָאו לֵיהָנוֹת נִיתְּנוּ: The accepted ruling is that the fulfillment of mitzvot cannot be seen as a source of benefit, as Rashi says: They were not given to the Jewish people for benefit; rather, they were given as a yoke on their necks. Consequently, the prohibition against benefiting from a particular object does not prevent it from being used in the fulfillment of a mitzva. It is in cases such as the one described here that there is cause for concern, because a separate benefit exists, namely the establishment of an *eiruv teḥumin*, that is separate from the fulfillment of the mitzva which motivated him to establish the *eiruv*.

One may establish an *eiruv* for the sake of a mitzva – מְעָרְבִין לִדְבַר מִצְוָה: The term mitzva here is not limited to mitzvot mentioned explicitly in the Torah. It includes any activity related to a mitzva, the public good, or saving a life or property.

***Demai*, isn't it unfit for him** – דְּמַאי הָא לָא חֲזֵי לֵיהּ: The commentaries explain (see *Tosafot*) that the Gemara is interpreting the mishna in accordance with all views, including that of Summakhos, since he does not disagree here. According to the opinion that one may establish an *eiruv* with something that is fit to be eaten by another person, it is acceptable to establish and eiruv with *demai*. Even though *demai* is unfit for the one establishing the *eiruv*, it is fit for someone else.

HALAKHA

An *eiruv* in a cemetery – עֵירוּב בְּבֵית הַקְּבָרוֹת: An *eiruv* may not be placed in a cemetery, as it is prohibited to derive benefit from graves. Even though mitzvot were not given for benefit, the person making the *eiruv* intends for the food to remain at this location should he need it the next day; therefore, it is prohibited to leave it there. The *halakha* is in accordance with the opinion of the Rabbis as clarified by the Gemara (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 409:1).

One may establish an *eiruv* with *demai* – מְעָרְבִין בִּדְמַאי: One is permitted to establish an *eiruv* with *demai*, since it is fit to be eaten by a poor person (Rambam *Sefer Zemanim*, *Hilkhot Eiruvin* 1:15).

וְאֶת אַכְסַנְיָא דְּמַאי.

and one may also feed **soldiers *demai*.**

אָמַר רַב הוּנָא: תָּנָא, בֵּית שַׁמַּאי אוֹמְרִים: אֵין מַאֲכִילִין אֶת הָעֲנִיִּים דְּמַאי, וּבֵית הִלֵּל אוֹמְרִים: מַאֲכִילִין אֶת הָעֲנִיִּים דְּמַאי.

Rav Huna said: It was taught that **Beit Shammai say: One may not feed the impoverished *demai*. And Beit Hillel say: One may feed the impoverished *demai*.** The *halakha* is in accordance with the opinion of Beit Hillel.

״וּבְמַעֲשֵׂר רִאשׁוֹן שֶׁנִּטְּלָה כו׳״. פְּשִׁיטָא! לָא צְרִיכָא שֶׁהִקְדִּימוֹ בַּשִּׁבֳּלִין, וְנִטְּלָה מִמֶּנּוּ תְּרוּמַת מַעֲשֵׂר וְלֹא נִטְּלָה מִמֶּנּוּ תְּרוּמָה גְּדוֹלָה.

We learned in the mishna: One may establish an *eiruv* **with first tithe** whose *teruma* **has been taken.** The Gemara expresses surprise: **It is obvious** that if the *teruma* was already taken there is no problem. Why is it necessary to state it may be used for an *eiruv*? The Gemara answers: **It is only necessary** to teach this *halakha* in a case where the Levite **preceded** the priest while the grain was still **on the stalks,** i.e., the Levite took his tithe before the grain was threshed and before the priest took the *teruma*; **and the *teruma* of the tithes was taken from it** but ***teruma gedola* was not taken from it.** Therefore, since the *teruma* is generally separated first, a portion of the first tithe that the Levite took should have been separated as *teruma*.

וְכִדְרַבִּי אַבָּהוּ אָמַר רֵישׁ לָקִישׁ, דְּאָמַר רַבִּי אַבָּהוּ אָמַר רֵישׁ לָקִישׁ: מַעֲשֵׂר רִאשׁוֹן שֶׁהִקְדִּימוֹ בַּשִּׁבֳּלִין – פָּטוּר מִתְּרוּמָה גְּדוֹלָה. שֶׁנֶּאֱמַר: ״וַהֲרֵמוֹתֶם מִמֶּנּוּ תְּרוּמַת ה׳ מַעֲשֵׂר מִן הַמַּעֲשֵׂר״, מַעֲשֵׂר מִן הַמַּעֲשֵׂר אָמַרְתִּי לָךְ, וְלֹא תְּרוּמָה גְּדוֹלָה וּתְרוּמַת מַעֲשֵׂר מִן הַמַּעֲשֵׂר!

And this is **in accordance with** the opinion that **Rabbi Abbahu** said that **Reish Lakish said, as Rabbi Abbahu said** that **Reish Lakish said: First tithe,** in a case **where** the Levite **preceded** the priest while the grain was still **on the stalks,**[H] **is exempt from *teruma gedola*, as it is stated: "And you shall set apart from it a gift for the Lord, even a tenth part of the tithe"** (Numbers 18:26), from which the following inference is made: **A tenth part of the tithe,** i.e., the *teruma* of the tithe, **I told you,** the Levite, to separate. **And** I did **not** tell you to separate ***teruma gedola* and the *teruma* of the tithe.**

אָמַר לֵיהּ רַב פַּפָּא לְאַבַּיֵי: אִי הָכִי אֲפִילּוּ הִקְדִּימוֹ בַּכְּרִי נַמִי! אָמַר לֵיהּ: עָלֶיךָ אָמַר קְרָא: ״מִכֹּל מַעְשְׂרוֹתֵיכֶם תָּרִימוּ אֵת כׇּל תְּרוּמַת ה׳״.

With regard to this matter, **Rav Pappa said to Abaye: If so, even** if the Levite **preceded** the priest after the kernels of grain were removed from the stalks and placed **in a pile,** the Levite should still not have to separate *teruma gedola*. Abaye **said to him: With regard to your** claim, **the verse states: "From all that is given to you, you shall set apart that which is the Lord's *teruma*"** (Numbers 18:29). The inclusive phrase "from all" indicates that *teruma gedola* must be separated even from the first tithe in the case where the Levite precedes the priest after the grain has been collected in a pile.

וּמָה רָאִיתָ? הַאי אִידְּגַן, וְהַאי – לָא אִידְּגַן.

Rav Pappa asks: **And what did you see** that led you to expound one verse as exempting the Levite from separating *teruma gedola* from first tithe that has been separated while the grain was on the stalks, and to expound another verse as requiring *teruma gedola* to be separated when the Levite took his first tithe after the grain was collected in a pile? Abaye answers: **This** produce, which has been threshed and placed into piles, is completely processed and **has become grain,**[N] **and that** produce, which remained on the stalks, **did not** yet **become grain.** The wording of the biblical verses indicates that the requirement to separate *teruma* applies only to grain, whereas the produce is not considered grain until it has been threshed.

״וּבְמַעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ שֶׁנִּפְדּוּ״. פְּשִׁיטָא! לָא צְרִיכָא, שֶׁנָּתַן אֶת הַקֶּרֶן וְלֹא נָתַן אֶת הַחוֹמֶשׁ. וְקָא מַשְׁמַע לָן: דְּאֵין הַחוֹמֶשׁ מְעַכֵּב.

The mishna also stated that one may establish an *eiruv* **with** the **second tithe and consecrated** food **that have been redeemed.** The Gemara asks: **It is obvious** that these foods may be used to establish an *eiruv*. The Gemara answers: This ruling **was only needed** for a case **where one** redeemed the second tithe or consecrated food and **paid the principle but did not pay the** additional **fifth** of their value, which must be paid when they are redeemed. **And** the mishna **teaches us** that the failure to pay **the** additional **fifth does not invalidate** the redemption. Once the principle is paid, even if payment of the additional fifth is still outstanding, the article is regarded as redeemed and may be used for mundane purposes.

HALAKHA

The Levite preceded the priest while the grain was still on the stalks, etc. – הִקְדִּימוֹ בַּשִּׁבֳּלִין וכו׳: If a Levite came and took the first tithe before a priest received the *teruma*, while the produce was still on the stalks, the produce the Levite receives is exempt from *teruma*. However, if the produce was already threshed and in a pile, the Levite is obligated to separate *teruma* as well (*Tur*, *Yoreh De'a* 331).

NOTES

This has become grain – הַאי אִידְּגַן: The Torah states, "And this shall be the priest's due…the first of your grain, of your wine and of your oil, and the first of the fleece of your sheep, shall you give to him" (Deuteronomy 18:3–4). These verses indicate that the priest's due, *teruma*, is only given from the produce once it reaches the stage at which it is called grain.

״אֲבָל לֹא בְּטֶבֶל״. פְּשִׁיטָא! לָא צְרִיכָא, בְּטֶבֶל טָבוּל מִדְּרַבָּנַן, וּכְגוֹן שֶׁזְּרָעוֹ בְּעָצִיץ שֶׁאֵינוֹ נָקוּב.

The mishna further states: **But** one may not establish an *eiruv* **with** ***tevel***, produce from which the priestly dues and other tithes have not been separated. The Gemara asks: This too is **obvious,** as it is prohibited to eat or derive any benefit from *tevel*. The Gemara answers: This ruling **is only needed with regard to *tevel* that is considered *tevel* by rabbinic decree.** What is included in this category? **For example, if one planted** seeds **in an imperforated container,** one is exempt by Torah law from separting *teruma* and tithes from the resulting produce because Torah law does not consider produce grown in such a container to have grown from the ground.

״וְלֹא בְּמַעֲשֵׂר רִאשׁוֹן שֶׁלֹּא נִטְּלָה תְּרוּמָתוֹ״. פְּשִׁיטָא! לָא צְרִיכָא, שֶׁהִקְדִּימוֹ בַּכְּרִי וְנִטְּלָה מִמֶּנּוּ תְּרוּמַת מַעֲשֵׂר וְלֹא נִטְּלָה מִמֶּנּוּ תְּרוּמָה גְּדוֹלָה.

The mishna stated that one may **not** establish an *eiruv* **with first tithe whose *teruma* has not been taken.** The Gemara asks: **It is obvious,** as such produce is *tevel*. The Gemara answers: This ruling **is only needed** for a case where the Levite **preceded** the priest and took first tithe from **the pile, and** only ***teruma* of the tithe was taken from it,** but ***teruma gedola* was not taken from it,** and the produce is therefore still *tevel*.

מַהוּ דְּתֵימָא כְּדַאֲמַר לֵיהּ רַב פָּפָּא לְאַבַּיֵי, קָא מַשְׁמַע לָן כְּדְשַׁנֵּי לֵיהּ.

Lest you say the *halakha* in that case is **as Rav Pappa said to Abaye,** and the Levite is exempt from separating *teruma gedola*, and therefore the food may be used for an *eiruv*, the mishna **teaches us as** Abaye **responded to** Rav Pappa: If the Levite takes grain after it had been gathered in a pile, he must separate *teruma gedola*. Until he does so the produce may not be eaten.

״וְלֹא בְּמַעֲשֵׂר שֵׁנִי וְהֶקְדֵּשׁ שֶׁלֹּא נִפְדּוּ״. פְּשִׁיטָא!

We also learned in the mishna that one may **not** establish an *eiruv* **with** the **second tithe or consecrated** food **that have not been redeemed.** The Gemara asks: **It is obvious** that these items may not be used.

לֹא צְרִיכָא, שֶׁפְּדָאָן וְלֹא פְּדָאָן כְּהִלְכָתָן: מַעֲשֵׂר שֶׁפְּדָאוֹ עַל גַּב אֲסִימוֹן, וְרַחֲמָנָא אָמַר ״וְצַרְתָּ הַכֶּסֶף״ – כֶּסֶף שֶׁיֵּשׁ עָלָיו צוּרָה.

The Gemara answers: This ruling **is only needed** for a case **where he redeemed them,** but **did not redeem them properly,** e.g., in the case of **second tithe that was redeemed with an unminted coin** [***asimon***].[L] **And the Torah says** with regard to the redemption of the second tithe: **And bind up** [***vetzarta***] **the money** in your hand" (Deuteronomy 14:25). This is expounded to mean that the second tithe may only be redeemed with **money that has a form** [***tzura***] engraved **upon it;** however, unminted coins are not considered money for the purpose of redeeming the second tithe.

הֶקְדֵּשׁ – שֶׁחִילְּלוֹ עַל גַּב קַרְקַע, דְּרַחֲמָנָא אָמַר: ״וְנָתַן הַכֶּסֶף וְקָם לוֹ״.

With regard to **consecrated property,** the reference is to a case **where one redeemed it** by exchanging it **for land** instead of money, **as the Torah states: "He will give the money and it shall become his."**[N] Since the verse speaks of giving money, it may be inferred that consecrated property cannot be redeemed by giving the Temple treasury land of equivalent value.

מתני׳ הַשּׁוֹלֵחַ עֵירוּבוֹ בְּיַד חֵרֵשׁ שׁוֹטֶה וְקָטָן, אוֹ בְּיַד מִי שֶׁאֵינוֹ מוֹדֶה בָּעֵירוּב – אֵינוֹ עֵירוּב. וְאִם אָמַר לְאַחֵר לְקַבְּלוֹ מִמֶּנּוּ – הֲרֵי זֶה עֵירוּב.

MISHNA If **one sends his *eiruv* in the hands of a deaf-mute, an imbecile, or a minor,** all of whom are regarded as legally incompetent, **or in the hands of one who does not accept** the principle of ***eiruv*****, it is not** a valid ***eiruv*****.**[H] But **if one told another** person **to receive it from him** at a specific location and set it down in that spot, **it is a** valid ***eiruv*****.** The critical point in the establishment of an *eiruv* is that it must be deposited in the proper location by a competent person; but it is immaterial how the *eiruv* arrives there.

גמ׳ וְקָטָן לֹא?! וְהָאָמַר רַב הוּנָא: קָטָן גּוֹבֶה אֶת הָעֵירוּב! לָא קַשְׁיָא; כָּאן – בְּעֵירוּבֵי תְחוּמִין, כָּאן – בְּעֵירוּבֵי חֲצֵירוֹת.

GEMARA The Gemara asks: **Is a minor not** fit to set down an *eiruv*? **Didn't Rav Huna say: A minor may collect the** food for an ***eiruv*** from the residents of a courtyard and establish an *eiruv* on their behalf even *ab initio*?[H] The Gemara answers: This is **not difficult,** as **here,** where the mishna invalidates an *eiruv* placed by a minor, it is referring **to an *eiruv* of** Shabbat **borders.** These laws are relatively stringent, as they require that one establish a new place of residence, which a minor cannot do. **There,** where Rav Huna said that a minor may collect the food for an *eiruv*, he was referring **to an *eiruv* of courtyards.**[N] This type of *eiruv* is more lenient and may be established even by a minor, as all that is necessary is to join together domains that already exist.

LANGUAGE

Unminted coin [*asimon*] – אֲסִימוֹן: From the Greek word ἄσημον, *asimon*, meaning a coin-like piece of metal that does not have an impression on it.

NOTES

He will give the money and it shall become his – וְנָתַן הַכֶּסֶף וְקָם לוֹ: There is no such verse in the Bible. Apparently, the reference is to the following verse: "And if he that sanctified the field shall redeem it, then he shall add the fifth part of your valuation to it, and it shall become his" (Leviticus 27:19). In their citation, the Sages shortened the verse and slightly adjusted its wording in order to emphasize its relevance to the current discussion.

***Eiruv* of Shabbat borders and *eiruv* of courtyards – עֵירוּבֵי תְחוּמִין וְעֵירוּבֵי חֲצֵירוֹת:** See Rashi and *Tosafot*, who explain the reason for the difference between the joining of Shabbat borders [*eiruv teḥumin*] and the joining of courtyards [*eiruv ḥatzeirot*]. It is indicated in the Jerusalem Talmud that nowadays, when most homes in a city are already joined together through the merging of alleyways, the joining of courtyards serves merely as a way to increase brotherly affection among Jews. Consequently, we are not particular about the agent who collects the food for the *eiruv*.

Rabbeinu Yehonatan explains that, in establishing an *eiruv ḥatzeirot*, the minor need not say anything. However, when one establishes an *eiruv teḥumin*, he must declare that a particular person designates this spot as his Shabbat residence; it is for this declaration, which is similar to an acquisition, that a minor is unfit. Some commentaries explain that with regard to *eiruv ḥatzeirot*, the intention of the person who sends the agent can transfer ownership of the food and thereby establish the *eiruv*. Therefore, there is no cause for concern if the agent is a minor. However, with regard to *eiruv teḥumin*, where the intention of the person who sends the agent is ineffective, a minor may not serve as a messenger (Rashba).

HALAKHA

Agents who are not qualified to establish an *eiruv* – שָׁלִיחַ שֶׁאֵינוֹ רָאוּי לְעֵירוּב: If one sends his *eiruv* with a deaf-mute, an imbecile, a minor, anyone who denies the principle of *eiruv*, or a gentile (Rabbeinu Yeruḥam), the *eiruv* is invalid (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 409:8).

A minor with regard to *eiruv ḥatzeirot* – קָטָן בְּעֵירוּבֵי חֲצֵרוֹת: Minors, slaves, and individuals who are not legally competent may collect food for an *eiruv ḥatzeirot* and establish the *eiruv*, thereby allowing people to carry in the courtyard (*Tur*, *Oraḥ Ḥayyim* 366:10).

״אוֹ בְּיַד מִי שֶׁאֵינוֹ מוֹדֶה בָּעֵירוּב״. מַאן? אָמַר רַב חִסְדָּא: כּוּתַאי.

We learned in the mishna: **Or** if one sends his *eiruv* **in the hands of one who does not accept** the principle of ***eiruv*.**[N] The Gemara asks: **Who** is this? **Rav Ḥisda said: A Samaritan** [***Kuti***]**,** who does not accept the laws of the Sages with regard to *eiruv*.

״וְאִם אָמַר לְאַחֵר לְקַבְּלוֹ הֵימֶנּוּ – הֲרֵי זֶה עֵירוּב״. וְלֵיחוּשׁ דִּילְמָא לָא מַמְטֵי לֵיהּ? כִּדְאָמַר רַב חִסְדָּא: בְּעוֹמֵד וְרוֹאֵהוּ, הָכָא נַמִי: בְּעוֹמֵד וְרוֹאֵהוּ.

The mishna also states: **And if he told another** person **to receive** the *eiruv* **from him, it is a** valid ***eiruv*.** The Gemara challenges this statement: **Let us be concerned that perhaps** the minor or other incompetent person will **not bring** the *eiruv* to the other person. The Gemara responds: This may be answered **as Rav Ḥisda said** with regard to a different statement, that it was referring to a case **where he stands and watches him.**[H] **Here, too,** the mishna is referring to a case **where** the person sending the *eiruv* **stands and watches him** from afar until the *eiruv* reaches the person designated to receive it.

וְלֵיחוּשׁ דִּילְמָא לָא שָׁקֵיל מִינֵּיהּ! כִּדְאָמַר רַב יְחִיאֵל: חֲזָקָה שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ, הָכָא נַמִי: חֲזָקָה שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ.

The Gemara asks: But nonetheless, **let us be concerned that perhaps** the other person will **not take** the *eiruv* **from** the deaf-mute, imbecile, or minor and deposit it in the designated place. From a distance, one cannot see exactly what is happening. He only saw that the messenger arrived at his destination. The Gemara answers this question **as** follows: **Rav Yeḥiel said** in a different context that there is a legal **presumption** that **an agent fulfills his agency. Here, too,** there is a legal **presumption** that the **agent** appointed to accept the *eiruv* **fulfills his agency.**

וְהֵיכָא אִיתְּמַר דְּרַב חִסְדָּא וְרַב יְחִיאֵל? אַהָא אִיתְּמַר; דְּתַנְיָא: נְתָנוֹ לַפִּיל וְהוֹלִיכוֹ, לַקּוֹף וְהוֹלִיכוֹ – אֵין זֶה עֵירוּב. וְאִם אָמַר לְאַחֵר לְקַבְּלוֹ הֵימֶנּוּ – הֲרֵי זֶה עֵירוּב. וְדִילְמָא לָא מַמְטֵי לֵיהּ? אָמַר רַב חִסְדָּא: בְּעוֹמֵד וְרוֹאֵהוּ. וְדִילְמָא לֹא מְקַבֵּל לֵיהּ מִינֵּיהּ? אָמַר רַב יְחִיאֵל: חֲזָקָה, שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ.

The Gemara asks: **Where were** these principles of **Rav Ḥisda and Rav Yeḥiel stated?** The Gemara answers: **They were stated with regard to** the following, **as it was taught** in a *baraita*: If **one gave** the *eiruv* **to** a trained **elephant, and it brought it** to the place where he wanted the *eiruv* deposited, or if he gave it **to a monkey,**[N] **and it brought it** to the proper location, **it is not a** valid ***eiruv*. But if he told another** person **to receive it from** the animal, **it is** a valid ***eiruv*.** The Gemara asks: **But perhaps** the animal **will not bring** the *eiruv* **to** the person appointed to receive it? **Rav Ḥisda said:** The *baraita* is referring **to** a case **where** the person sending the *eiruv* **stands and watches it** from afar until it reaches the person designated to receive the *eiruv*. The Gemara asks further: But **perhaps** the person appointed to receive the *eiruv* **will not accept it from** the elephant or monkey. **Rav Yeḥiel said:** There is a legal **presumption** that **an agent fulfills his agency.**

אָמַר רַב נַחְמָן: בְּשֶׁל תּוֹרָה – אֵין חֲזָקָה שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ,

Rav Naḥman said: With regard to Torah laws, we do **not** rely on the **presumption that an agent fulfills his agency;** rather, one must actually see the agent performing his mission.

Perek **III**
Daf **32** Amud **a**

בְּשֶׁל סוֹפְרִים – חֲזָקָה, שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ. וְרַב שֵׁשֶׁת אָמַר: אֶחָד זֶה וְאֶחָד זֶה – חֲזָקָה, שָׁלִיחַ עוֹשֶׂה שְׁלִיחוּתוֹ.

However, **with regard to rabbinic** laws, we do rely on the **presumption** that **an agent fulfills his agency.**[H] **And Rav Sheshet** disagreed and **said:** With regard to **both this,** Torah law, **and that,** rabbinic law, we rely on the **presumption** that **an agent fulfills his agency.**

אָמַר רַב שֵׁשֶׁת: מְנָא אָמִינָא לָהּ – דִּתְנַן: מִשֶּׁקָּרַב הָעוֹמֶר הוּתַּר הֶחָדָשׁ מִיָּד.

Rav Sheshet said: From where do I say this? As we learned in a mishna: **Once the *omer* has been offered,** the grain from **the new crop is immediately permitted.**[N] The Torah prohibits eating from the new crop of grain until the *omer* sacrifice is offered on the second day of Passover (Leviticus 23:14); once the *omer* is offered, it is immediately permitted to partake of the new grain.

NOTES

One who does not accept the principle of *eiruv* – **מִי שֶׁאֵינוֹ מוֹדֶה בָּעֵירוּב:** The reference is clearly not to a gentile, since a gentile is not fit to be an agent because of his dissimilarity to the one sending him. For this reason, the Gemara inquires as to the identity of the one who does not accept the principle of an *eiruv*. The example given is the Samaritan [*Kuti*]. Even though he accepts the Torah, since he does not agree with the concept of an *eiruv*. For this reason, he is unfit for this mission (Rav Ya'akov Emden). This rule was applicable even when *Kutim* were not regarded as gentiles for all purposes. The law of a *Kuti* applies equally to a Sadducee, who also does not accept the concept of *eiruv* (Ritva). With regard to the students of Beit Shammai, however, even though Ḥananya claims that they do not accept most of the laws of *eiruv*, if they accept upon themselves a mission of this kind, they will certainly fulfill it properly (*Beit Ya'akov*).

Gave it to a monkey – **נְתָנוֹ לַקּוֹף:** Some commentaries differentiate between two sets of circumstances: If one gave the *eiruv* to a trained monkey or elephant, there is certainly no agency, as they are not fit for such a role. However, if he placed it on their backs and observed that they placed the *eiruv* in a certain spot, and he said that he wishes to establish that location as his Shabbat residence, the *eiruv* is valid (Rashba).

HALAKHA

He told another…stands and watches him – **אָמַר לְאַחֵר... עוֹמֵד וְרוֹאֵהוּ:** If one sends his *eiruv* with a person unfit for the task or even places it on an elephant or monkey, and he sees the *eiruv* arrive at its destination, and he had told another person to accept the food and to place it down as an *eiruv*, the *eiruv* is valid. There is a presumption that an agent fulfills his mission (*Shulḥan Arukh*, *Oraḥ Ḥayyim* 409:8).

HALAKHA

The presumption with regard to an agent – **חֲזָקַת שָׁלִיחַ:** Although some authorities relied on the rule of the *ge'onim* that in matters of ritual law the *halakha* is in accordance with the opinions of Rav Sheshet rather than those of Rav Naḥman, it appears that in this instance most authorities rules in in accordance with the opinion of Rav Naḥman. They maintain that in cases of Torah law we are not lenient; we do not rely on the basis of a presumption that an agent fulfills his mission (Rambam *Sefer Zera'im*, *Hilkhot Terumot* 4:6).

NOTES

The prohibition to eat from the new crop of grain – **אִיסּוּר חָדָשׁ:** The year's newly harvested grain may not be eaten until the *omer* offering is brought, as stated in the Torah: "And you shall eat neither bread, nor parched corn, nor green ears, until that very day, until you have brought an offering to your God; it shall be a statute forever throughout your generations in all your dwellings" (Leviticus 23:14). During the Temple period, eating the new grain was dependent upon the offering alone, which typically took place early in the morning, on the first intermediate day of the festival of Passover. Outside of Jerusalem, everyone would rely on the presumption that by midday the *omer* sacrifice must have been offered.