

# daf yomi summary

## parashat Shoftim 5780

עירובין ד - י

EDITION: 29

### BAS KOL VS LO BASHAMAYIM

THANKS TO GREG NARUNSKY

There is a well known Gemara (Bava Metzia 59b) which recounts an argument between R' Eliezer and the Sages concerning whether a certain type of oven is pure or impure. The Sages argue that the oven is impure whilst R' Eliezer argues it is pure.

Unable to convince the Sages with his arguments, or any of the proofs that he brings, R' Eliezer finally cries out that if the Halacha is in accordance with his view then Heaven will prove it. At that point a "Bas Kol" (a voice emanating from Heaven) confirms that indeed the Halacha is like R' Eliezer. Upon hearing this, R' Yehoshua famously responds that the Torah is not in Heaven, and decides the Halacha in accordance with the Sages.

We do not pasken Halacha based on a Bas Kol - "לא בשמים היא". The Gemara in Eruvin seems to contradict this well known principle. The Gemara (6b/7a) brings a beraisa which says that the Halacha follows Beis Hillel, but then continues to say one may follow either the ruling of Beis Hillel or Beis Shammai.

One approach of the Gemara in resolving this obvious contradiction is that the ruling allowing one to follow either opinion is before a Bas Kol and the ruling in favor of Beis Hillel came after it. The Bas Kol our Gemara is referring to is in the statement of Rabbi Abba in the name of the Sage Shmuel (13b).

There, a three-year long dispute between Beis Hillel and Beis Shammai was resolved by a Bas Kol declaring that even though both opinions were "words of the Living G-d," the Halacha is like Beis Hillel, and indeed from that point on until today the Halacha has been decided in accordance with Beis Hillel.

If we accept the Bas Kol in regard to Beis Hillel, asks Tosefos, why did all the Sages reject its intervention on behalf of Rabbi Eliezer in the dispute mentioned above?

Tosefos offers two resolutions to this question. One is that a Bas Kol can indeed be considered, but in the case of Rabbi Eliezer who invited Heavenly intervention, it was clear both from the nature of the request and the language of the message that it was intended only as a tribute to his scholarly greatness and not as a halachic decider.

The second resolution is that a Bas Kol cannot upset the ruling of a majority since the Torah told us to abide by majority rule. In Rabbi Eliezer's case he was in the minority, but in Beis Hillel's case they were the majority.

The only reason a Bas Kol was needed was to quash Beis Shammai's argument (Yevamos 14a) that majority rule applied only when the disputants were of comparable intellectual status, but not in this dispute because Beis Shammai was sharper. The Bas Kol clarified that this was not a consideration, and that majority decision must always determine the Halacha.

### GADOL OF THE WEEK: LEVI BAR SISI (2ND -3RD CENTURY)

THANKS TO AMI ELKUS

I was fortunate enough today to be by the kever of Levi (and Yossi) Bar Sisi in Sasa, only a day after we learnt in the Daf on תני לוי ערובין י.



Generally, when the Tanna "Levi" is mentioned without a prefix of Rav or Rabbi, it refers to the semi-Tanna, Rabbi Levi bar Sisi. Although he was without title, he was highly respected amongst the Tannaim. A beloved student of R. Yehudah Hanasi, Levi was nevertheless spoken of by Rabbi as an equal.

He assisted in the compilation of the Mishna, and made his own collection of Braitot, many of which are included in לוי קידושין דבי. He is referenced both in the תלמוד ירושלמי and בבלי. A number of stories appear in the Gemarot Taanit and Megillah about Levi's virtue and tefillot during times of stress, which were immediately answered. However, the Gemara also explains that the manner in which Levi sometimes spoke to Hashem during these occurrences resulted in Levi becoming lame as a punishment.

When he arrived in בבלי, the locals called him "Gavra Rabba".

When Levi passed away, his friend אבא בר אבא eulogised him and said,

"ששקולה חביבותו של לוי בר סיסי לפני הקב"ה, כמו כל האנושות כולה".

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THURSDAY 13 AUGUST  
THANKS TO HADRAN

עירובין ד

SHABBAT 15 AUGUST  
THANKS TO TAL NEVIES

עירובין ו

### How measurements were given to Moshe at Har Sinai

Today's Daf connects closely with Parshat Eikev, which we read this past Shabbat. In its discussion of measurements, the Rabbis debate how to define a Mishnaic and Talmudic unit called a "tefach".

Unlike today, Chazal used man's actions and distances between human body parts to determine measurements. The Gemara then proceeds to note that all measurements are "Halacha leMoshe miSinai," an elusive concept which can generally be translated as an undisputed tradition, linking them to the seven species described in the Torah.

Chazal explain that the use of the traditional seven species is to help us remember them - a linkage known as "asmachta". The varied definitions include wheat, which delineates the amount of time it takes to eat half a loaf of wheat bread for the measurement of time the clothes you are wearing in a leper's house become impure. A grain of barley is identified as the size an impurity would be imparted through contact.

The list continues and concludes with date honey being the minimum of food for which one is liable for eating on Yom Kippur. It is evident from these descriptions that Chazal were creative and imaginative in their calculations.

It is this ingenuity and resourcefulness that allowed many halachik principles to be easily understood. Rambam, in his introduction to the Mishna, singled out our Daf to note that "Halacha leMoshe miSinai" is an absolute tradition, and when the rabbis connected the measurements to the biblical verse, they were simply providing a mnemonic. His position highlights the creativity of the rabbis in mobilizing biblical verses to anchor our traditions.

What is a "reshut harabim"?

At the bottom of Daf vav Amud aleph, the Gemora asks how we enclose/adjust a reshut harabim in order that carrying be permitted.

The Gemora then queries the premise of this question by saying that it is never permitted to carry in a real reshut harabim.

As we have just started learning the masechta, I thought it would be helpful to bring a number of opinions as to what defines a reshut harabim.

We have already had a broad definition in Masechet Shabbat Daf 6 which says, "A reshut harabim is a highway, a large public plaza and streets that are open at both ends - each constitutes a complete reshut harabim."

Trying to understand the category of "streets open at both ends", Rashi says that the street has to be 16 amot wide and must pass completely through the city (if it is a walled city).

On our Daf, Rashi adds another specification which is largely contested by the other Rishonim, that there also needs to be 600,000 people "found there" (this could mean living there or just travelling through and is the subject of a debate).

Tosafot on our Daf quotes Rashi and notes that the Behag also requires 600,000 people to be commonly present. However, Tosafot and the Ri do not seem to agree with the necessity of having 600,000 people. In addition, the Ramban, Ritva and most other Rishonim also disagree with Rashi's requirement for 600,000 people. This issue can be a point of disagreement when considering if a city is suitable for an Eiruv.

FRIDAY 14 AUGUST  
THANKS TO ILAN CRIBOFF

עירובין ה

SUNDAY 16 AUGUST  
THANKS TO BENNY LAST

עירובין ז

Today's Daf starts off with a discussion about a מבוי (alley) that has a קורה (beam) which is less than 10 טפחים high, and how much one would have to dig down and the size of the hole in order to make the הרוק valid.

However, in מסכת עירובין it does not explain why this minimum height requirement is 10 טפחים. This is brought down in מסכת סוכה, where it explains that this measurement is taken from the ארון which, including the כפרת, was 10 טפחים high and therefore the שכניו was always at least 10 טפחים above the ground.

Perhaps the message we can take from this עירובין דין (especially as we begin אלול and approach the ימים נוראים) is that regardless of whatever boundaries we have in our lives, we must always remember to make a little bit of room for the שכנינו to enter and be a part of our lives.

Our Gemora begins with the line: "...and Rabbi Yehoshua holds we do not pay attention to a 'Bat Kol' (a Heavenly voice)."

To understand why we are told this, we need to summarise the end of Daf 6b.

We are discussing a "Mavoi Akum", generally translated as an L-shaped alley-way, and the Gemara records that the people of Nehardea would follow the view of Rav, when he was more stringent, and the view of Shmuel, when he was more stringent.

Surely, this is not correct, as that slippery slope could lead one to search for different Rabbonim to find leniencies that suit.

The Gemora tries to clarify the issue with a Braita about Beit Hillel and Beit Shammai, but finds the opening of the Braita to be difficult.

It says, "The Halacha follows Beit Hillel, but if one wishes, one can follow Beit Hillel or Beit Shammai." How can you choose to follow Beit Shammai if the Halacha is like Beit Hillel?

The Gemora resolves this by quoting from Eruvin 13b, where it says that Beit Hillel and Beit Shammai argued for 3 years, before a Bat Kol came down and declared that in practice we follow Beit Hillel. After

the Bat Kol, everyone agreed Halacha was like Beit Hillel, but when could you choose between the two schools?

That only applied before the Bat Kol was heard. And now we arrive at the top line of Daf 7a.

Not everybody liked the answer given above, so the Gemora offers a different approach, saying simply that there is a view, Rabbi Yehoshua, who says we don't listen to a Bat Kol.

To appreciate this comment, we need to look at Bava Metzia 59b. Rabbi Yehoshua and Rabbi Eliezer were arguing on a halachic point regarding an oven. Rabbi Eliezer was a lone voice in this dispute, but he wouldn't concede.

First he utilized all his halachic arguments, but when those failed to persuade the others, he resorted to supernatural means. He called on the walls of the Beit Midrash to lean inwards, which they did. Rabbi Yehoshua however, was able to stop the walls leaning in too far, but couldn't get them to straighten up.

Rabbi Eliezer then played his trump card, saying if the Halacha follows my opinion, let a Bat Kol come forth and declare accordingly, and that's what happened. However, Rabbi Yehoshua then rose to his feet, and proclaimed, "The Torah is not in heaven", and since the Torah was given at Sinai, we do not pay attention to Heavenly voices, but rather we follow the majority opinion.

This of course begs the question, if we don't listen to a Bat Kol, then why in fact do we say the Halacha follows Beit Hillel?

Tosefot suggest that maybe Rabbi Yehoshua only made his statement where the Bat Kol supports a minority opinion, which was the case with Rabbi Eliezer, but why then quote Rabbi Yehoshua here in our Gemora?

Perhaps because of this, the Gemora goes on to suggest a different answer (a third one) to its earlier question. And finally, Beit Hillel was the majority opinion, so why did we need a Bat Kol at all?

Tosefot concludes by suggesting that the school of Beit Shammai were sharper in their studies, so one might think they should be followed. To avoid that error, came a Bat Kol to confirm we follow the majority; we follow Beit Hillel.

MONDAY 17 AUGUST

THANKS TO SHULIE MISHKIN

עירובין ח

Let's take a short break from streets, walls, doorways and courtyards.

On Daf 8b of Eruvin we have a strange statement: "Rav Kahana bar Tahalifa said in the name of Rav Kahana bar Minyumi, who said in the name of Rav Kahana bar Malkiyu, who said in the name of Rav Kahana, the teacher of Rav; and some say that Rav Kahana bar Malkiyu is Rav Kahana, the teacher of Rav."

The content of the statement is not what interests us at the moment, it is the names, all of which are Rav Kahana, but different ones.

To compound the oddness, a few lines later we have yet another Kahana who chimes in: "Rav Kahana said: Since this involves halachot of Sages named Kahana, I too will say something with regard to it."

An abundance of Kahanas! How can we know who is who?

In these cases, ones turns for help to the authority on the rabbis of the Mishnah and the Talmud, HaRav Dr. Mordechai Margolioth (1909 - 1968).

Margolioth edited the definitive work about these scholars, the Encyclopedia of Talmudic and Geonic Literature (1946) and wrote many of its entries.

He came to the land of Israel from Poland as a child and was among the graduates of the first class of the Hebrew University. He became a scholar of Rabbinic literature and his wife was a Bible scholar. He eventually moved to New York and taught in the Jewish Theological Seminary.

The encyclopedia helps us makes sense of the many Eliezers, Shimons and Yochanans scattered throughout the Mishnah and the Talmud. However, the Kahanas defeated even Rav Margolioth.

He has four distinct entries for Rav Kahana but he admits that sometimes it is difficult to know which is which. And the ones mentioned in our text (bar Tahalifa and bar Minyumi) are not known at all. But he does give some fascinating information about the Kahanas we do know about.

First of all, contrary to what we might think, not all Kahanas are kohanim. The second Rav Kahana is clearly not a kohen because he is described in Gemara Hullin 132 as eating gifts of the priesthood because his wife was the daughter of a kohen, not because he himself was a kohen.

On the other hand, it seems that the first Rav Kahana was a kohen (Rabbenu Hananel on Eruvin 105). All the Rav Kahanas are Babylonian Amoraim, rabbis of the Gemara.

The first one (Rav Kahana Kama as he is called by Rav Sherira Gaon) was from the first generation of Babylonian Amoraim and was already an established sage by the time Rav returned from studying with Rabbi Judah the Prince in the Land of Israel.

This Rav Kahana and his colleague Rav Assi (not to be confused with the third generation Eretz Yisrael Amora Rabbi Assi - with Amoraim, Rabbi is for Eretz Yisrael sages and Rav is for Babylonian ones) are happy to hear what traditions Rav learned in the Land of Israel but they do not need him to school them in the ways of logic, sevara. That they already knew.

Rav and Rav Kahana had great mutual respect for each other. The second Rav Kahana had a dramatic life story. He was a second generation Babylonian Amora, and according to the Geonim he was Rav's stepson.

The Gemara in Bava Kama (117) tells how he attacked a Jew who threatened to inform on Rav to the Babylonian authorities. Rav advised him to flee to the land of Israel and to go to the study hall of Rabbi Yohanan but not to ask him any questions for seven years.

Although Rav Kahana is recognized immediately as a scholar by Resh Lakish, Rabbi Yochanan's partner, his silence is misinterpreted as ignorance by Rabbi Yochanan. When he can't stand it any longer, he speaks up and his questions put Rabbi Yochanan on the spot. As a punishment, Rav Kahana died.

Rabbi Yochanan went to ask his forgiveness and eventually brought him back to life. The Yerushalmi continues the story. Rav Kahana was

made fun of because of this experience, and as a result he inadvertently killed those who made fun of him. This distressed him and he decided to return to Babylonia.

Rabbi Kahana #3 was a fourth generation Babylonian Amora and a student of Rava. #4 was a fifth generation Babylonian Amora from the town of Pum Nahara (the mouth of the river). He was the teacher of Rav Ashi, the redactor of the Babylonian Talmud.

So our Kahanas span the entire period of the Babylonian Amoraic tradition, from its beginnings as Rav returns with Torah from Rabbi Judah the Prince's Bet Midrash, to the glorious completion of the Talmud Bavli.

But what of the Kahanas of our passage? If the last line is correct (some say that Rav Kahana bar Malkiyu is Rav Kahana, the teacher of Rav) then the author of the statement is Rav Kahana #1, Rav's teacher / colleague.

And what about the last Kahana, who joins in because he has the same name? Perhaps this is the last Rav Kahana, the one closest to the redaction of the book by Rav Ashi.

TUESDAY 18 AUGUST

THANKS TO JOEL GOLDSTEIN

עירובין ט

Eiruvim 9 (from the back of the mesivta)

The Gemora brings **בשם רבי יוחנן** and a case of a **מבוי** that has posts in a line one after the other towards the entrance of the **מבוי**. As long as the posts are within 3 **טפחים** of another one we say **לבוד** (the space is viewed as filled), and you cannot use the **מבוי** from the edge of the first post.

**משבא** and **מגן אברהם** prove from here that we say **לבוד לחומרא**. **Tos** (סוכה יז) and the **Rosh** however say that we don't say **לבוד לחומרא**.

The poskim adjudicate whether one can have a Succah under washing lines that are within 3 tefachim of each other. Do we say we view these thin lines of **פסול סכך** as though they are now joined and so can make a Succah **pasul**, or not?

There was an earlier argument regarding a roof, where the roof was taken off and then **schach** put on the beams. The **ביכורי יעקב** is strict and says we say **לבוד לחומרא** and so is the **Mishna Berura**.

Some Poskim say that washing lines should be the same. The **Shaarei Yitzchok** argues that **לבוד** doesn't say the filled-in gap becomes **pasul schach**, it just fills in the gap. So these thin strings alone don't take enough space to **pasul** the Succah, and since they don't provide more shade than non-shade, do not **pasul** the Succah.

So just like your imaginary friend, imaginary walls/roofs don't have shadows, and casting shadows is the purpose of **schach**, kosher or **pasul**. Some argue, however, that the **shiur** of **פסול סכך** doesn't apply to a Succah under a roof, it doesn't even need to be **פסול סכך**.

So it just needs to be under something that's classified as a roof even if it's less the 3 **טפח** of physical roof. At the end of the day, it's hard to argue that washing lines are a "roof", so in any case they allow a Succah under washing lines.

WEDNESDAY 19 AUGUST

THANKS TO DR YARDAENA OSBAND - TALKING TALMUD  
PODCAST

עירובין י

The Gemara discusses whether a **lechi** (post) placed on a **mavoi** which is visible from the outside but not visible from the inside can still be considered a **lechi** - "נראה מבחוץ ושוה מבחוץ".

**Rabbah bar Rav Huna** explains that it is indeed considered a **lechi**.

During its discussion of this topic, the Gemara recounts how **Rav Yosef** could not remember whether his teacher, **Rabbah bar Rav Huna**, actually taught this halacha: "לא שמיע לי הא שמעתתא".

**Abaye**, his devoted student, reminds him that indeed he had told this halacha before: "את אמרת ניהלן ואהא אמרת ניהלן".

The Gemara in **Nedarim 41a** teaches that **Rav Yosef** became ill and forgot much of his Torah. **Abaye** would review his Torah with him and learn with **Rav Yosef** all that his teacher taught him.

**רב יוסף חלש איעקר ליה למודיה אהדריה אביי קמיה היינו דבכל דוכתא אמרינן אמר רב יוסף לא שמיע לי הדא שמעתא אמר ליה אביי את אמריתיה ניהלן ומהא מתניתא אמריתיה ניהלן**

**Rav Yosef** himself fell ill and his studies were forgotten.

**Abaye** restored his studies by reviewing what he had learned from **Rav Yosef** before him.

This is the background for that which we say everywhere throughout the Talmud, that **Rav Yosef** said: "I did not learn this halacha, and **Abaye** said to him in response: You said this to us and it was from this **baraita** that you said it to us."

**Abaye** teaches us how devoted one should be to their **Rav / teacher**. Even when a teacher loses their abilities or faculties, a student can still learn from them and should review the Torah that they learned in their merit.