

BS”D

## **Siyum Mesechet Eruvin**

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R. Mois Navon

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Yachad Nenatzeach.

This is no empty slogan but, as I will explain, the key to our national destiny. Unfortunately, it has taken this war of Oct. 7 to make us realize just how critical national unity is – costing the lives of many near and dear to us. In an effort to make some kind of tikun, I have been learning a Mesechet Gemara in the merit of soldiers who have given their lives so we could continue to live as Jews, so that we could come together as a unified nation. Today we are completing Mesechet Eruvin in the memory, honor and elevation of the soul of Yakir Yamin (ben Chaya v’Yehoshua) Hexter, HYD, who fell in battle in Gaza, Jan. 28, 2024, at the age of 26.

Yakir was an athlete, student of architecture, and a talmid chachamim. His aunt wrote of him, that his friends said he was wild and crazy, his Rabbanim [from YHE] said he was a serious Ben Torah, his neighbors said he was kind and thoughtful, and the list goes on. “But if there is one thing I can say about Yakir,” she wrote, “he was humble” ([Aunt Sara](#)). While I have read other eulogies of Yakir that went on to tell even more of his many great qualities (by [R. Taragin](#), [R. Bazak](#), [Jewish Mom](#)), there can be no greater tribute to him than to note his humility.

Indeed, R. Yehoshua Ben Levi in the Gem (AZ 20b)<sup>1</sup> declares humility to be the greatest of personal attributes (ענוה גדולה מכולן). The Rambam brings Moses – who we know was “*very* humble (עניו מאוד)” (Num. 12:3) – as the paradigm that we should emulate. And this, explains the Rambam, because humility is so important that we all must strive to reach it

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<sup>1</sup> תלמוד בבלי מסכת עבודה זרה דף כ עמוד ב - דא”ר יהושע בן לוי: ענוה גדולה מכולן ...

in the extreme (Hil. Deot 2:3).<sup>2</sup> Furthermore, the Gemara (San. 11a)<sup>3</sup> compares Hillel's humility to that of Moses and goes on to exhort (Shabbat 30b)<sup>4</sup> that everyone should be humble like Hillel.

And it is precisely because of Hillel's humility, that his rulings (and those of his school) were accepted as halacha. So reports, appropriately for this siyum, the Gem. (Eruvin 13b):

### **תלמוד בבלי מסכת עירובין דף יג עמוד ב**

אמר רבי אבא אמר שמואל: שלש שנים נחלקו בית שמאי ובית הלל, ... יצאה בת קול ואמרה: אלו ואלו דברי אלהים חיים הן, והלכה כבית הלל. וכי מאחר שאלו ואלו דברי אלהים חיים מפני מה זכו בית הלל לקבוע הלכה כמותן - מפני שנוחין ועלובין [סבלנין – חברותא] היו [easygoing and forbearing], ושונים דבריהן ודברי בית שמאי. ולא עוד אלא שמקדימין דברי בית שמאי לדבריהן. ... ללמדך, שכל המשפיל עצמו הקדוש ברוך הוא מגביהו [God] [raised him for he humbled himself], וכל המגביה עצמו הקדוש ברוך הוא משפילו.

So the rulings of Hillel were accepted over those of Shammai because his approach was marked by humility – one that was more inclusive, more accepting, one that placed great value on social harmony.<sup>5</sup>

## **Mesechet Eruvin**

And that brings us to Mesechet Eruvin, which is really all about social harmony. To begin, we should note that there are three types of Eruvin: Eruv Chatzeirot (mixing of courtyards),<sup>6</sup> Eruv Techumin (mixing of boundaries), and Eruv tavshilin (mixing of foods). Mesechet Eruvin addresses the first two while the last is discussed in Mesechet Beitza.<sup>7</sup> Now, regarding “social harmony,” the Gemara itself notes that this is implicit in the very name “Eruv” (“mixing”):

<sup>2</sup> **רמב"ם הל' דעות ב:ג** - ויש דעות שאסור לו לאדם לנהוג בהן בבינונית אלא יתרחק מן הקצה האחד עד הקצה האחר, והוא גובה לב, שאין דרך הטובה שיהיה אדם עניו בלבד אלא שיהיה שפל רוח ותהיה רוחו נמוכה למאד, ולפיכך נאמר במשה רבינו ענו מאד ולא נאמר ענו בלבד, ולפיכך צוו חכמים מאד מאד הוי שפל רוח, ועוד אמרו שכל המגביה לבו כפר בעיקר שנאמר ורם לבבך ושכחת את ה' אלקיך, ועוד אמרו בשמתא מאן דאית ביה גסות הרוח ואפילו מקצתה, ...

<sup>3</sup> **תלמוד בבלי מסכת סנהדרין דף יא עמוד א** - פעם אחת היו מסובין בעליית בית גוריה ביריחו ונתנה עליהם בת קול מן השמים: יש כאן אחד שראוי שתשרה עליו שכינה (כמשה רבינו), אלא שאין דורו זכאי לכך, נתנו חכמים את עיניהם בהלל הזקן.

<sup>4</sup> **תלמוד בבלי מסכת שבת דף ל עמוד ב** - **תנו רבנן: לעולם יהא אדם ענותן כהלל** ואל יהא קפדן כשמאי ...

<sup>5</sup> There are many sources that attest to this: Avot 1:12; Avot 1:14; Avot 2:4; Shabbat 12a; Shabbat 30b-31a.

<sup>6</sup> This includes *shitufei mevo'ot*.

<sup>7</sup> There is a very short implicit reference to eruv tavshilin in Eruvin 38b.

### תלמוד בבלי מסכת עירובין דף מט עמוד א

אמר רב יהודה אמר שמואל: המקפיד על עירובו [“שלא יאכל אֶחָד מהם את הפת שנתן הוא” חדושי הריטב”א] אין עירובו עירוב. [If you contribute the requisite food to be part of the

[community but don’t want anyone to touch your food, the eruv doesn’t work. Why?

[משום] מה שמו? עירוב שמו!

And so explain the commentators:

- רש”י מסכת עירובין דף מט עמוד א - עירוב שמו - שיהו כולן מעורבין ומרוצין בו, שלא ימחה [protest] זה בחבירו, אלא שותפות נוחה ועריבה [congenial and amicable partnership].
- חדושי הריטב”א מסכת עירובין דף מט עמוד א - אין עירובו עירוב דמה שמו עירוב שמו. כלומר לשון תערובת ואחוה גמורה [completely integrated in camaraderie] שאין מקפידין זה על זה וכשהוא מקפיד אין כאן עירוב, ורש”י ז”ל פירש עירוב שמו שותפות נוחה וערבה שלא יקפיד זה על זה, והכל יוצא לדרך אחד.
- בית הבחירה למאירי מסכת עירובין דף מט עמוד א - המקפיד על עירובו אין עירובו עירוב מה שמו עירוב שמו: ר”ל שיהו כלם מתערבים אף בדעותיהם [integrated in mind/spirit] ומתרצים זה לזה ...

So now that we understand that the Eruv serves to bring people together, let us answer two important questions: how and why – how does it work and why do we care. We start with how does it work:

- Eruv Chatzeirot is a halachic mechanism that allows for carrying to/from and within what is *perceived* as the public domain (*reshut harabim*). That is to say, there was a concern that people, being accustomed to carrying between various publicly used domains that do not actually meet the definition of a public domain, might later mistakenly carry to/from/within a true biblically defined public domain (Hil. Eruv. 1:4).<sup>8</sup> Accordingly, the Rabbis prohibited carrying to/from/within such domains without making an Eruv Chatzeirot.<sup>9</sup> It is done technically by demarcating an area where people live as a community and collecting some food to symbolize community.

<sup>8</sup> רמב”ם הלכות עירובין פרק א הלכה ד - ומפני מה תיקן שלמה דבר זה, כדי שלא יטעו העם ויאמרו כשם שמותר להוציא מן החצרות לרחובות המדינה ושוקיה ולהכניס מהם לחצרות כך מותר להוציא מן המדינה לשדה ולהכניס מן השדה למדינה, ויחשבו שהשוקים והרחובות הואיל והן רשות לכל הרי הן כשדות וכמדרות ויאמרו שהחצרות בלבד הן רשות היחיד וידמו שאין ההוצאה מלאכה ומותר להוציא ולהכניס מרשות היחיד לרשות הרבים.

<sup>9</sup> The enactments are attributed to King Solomon (Eruv. 21b; Hil. Eruv. 1:2), nevertheless, they are referred to as those of the sages/rabbis (e.g., Tractate Eruvin: Introduction. The Schottenstein Edition of the Talmud Bavli, vol. 1. New York: Mesorah Publications, 2021, p. xli; Kovetz Shitot Kamai, Eruv. 21b, et al.).

- Eruv Techumin is a mechanism related to the halachic limit prohibiting walking (without carrying) anywhere too far from one's neighborhood (i.e., 2000 amah). This limit (a.k.a., *Techum Shabbat*), is a rabbinic boundary (though R. Akiva holds it is de'oraita). In technical terms, nothing need be "done" here, the *Techum* is the *Techum*. In case of need, one could shift his *Techum* by placing food (a.k.a., eruv) in a location that would then define his shabbat boundary as 2000 amah from the center of his food.

So that explains "How." What is more interesting to my mind is "Why?" Why enact Eruvin? Why not simply ban these areas that people perceive as biblical public domains? Indeed, that is the usual approach to making "fences" for the Torah (e.g., chicken is forbidden to be eaten with cheese due to its perceived likeness to red meat).<sup>10</sup> Why make allowances for something we want to prohibit?

The answer lies in the paradoxical nature of the *melacha* of carrying (in Hebrew, *hotza'ab*). On the one hand, *hotza'ab* is referred to by the Tosafot (Shabbat 2a, s.v. *pasbat*) as "the *melacha grua* – the weak *melacha*," for it doesn't create anything.<sup>11</sup> On the other hand, it is the culminating act that essentially actualizes all creativity. To be clear, transporting goods is considered a "weak *melacha*" because it does not make a material change in the objects it affects; it merely makes a change in their location. Accordingly, it is hard to call transportation a *melacha*—a "creative act." Yet, without the transport of material goods, they have no material effect on our world. It is lovely that the farmer has a bumper crop after doing all the *melachot* of plowing, sowing, reaping, etc., but without him getting those crops to market and without consumers getting them home, the world would starve. Similarly, all the material goods that we take for granted must be transported to market and transported to home, school, work, etc..

So the prohibition of *hotza'ab* – as it is the enabler of all creativity – comes for the same reason as the other 38 creative activities (*melachot*): to align our creativity with God's creativity, with the divine scheme of creation – six days we labor but the seventh we desist.<sup>12</sup>

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<sup>10</sup> Fences, in general, come to prohibit without making allowances within the enactment – like others attributed to King Solomon: washing hands, secondary relationships (*sbeniyot learyao*). See Avot (1:1), esp. R. Yona, Meiri, et al., ad loc.

<sup>11</sup> Shiurei HaRav Re'em - Shabbat, "Hotza'ah Melacha Grua" (5778) - [https://asif.co.il/wp-content/uploads/2021/04/1-1\\_4-1.pdf](https://asif.co.il/wp-content/uploads/2021/04/1-1_4-1.pdf).

<sup>12</sup> **שמות כ** – (ט) שֵׁשֶׁת יָמִים תַּעֲבֹד וְעָשִׂיתָ כָּל מְלַאכְתְּךָ : (י) וַיֹּם הַשְּׁבִיעִי שַׁבַּת לִיקְנוֹת אֶלֶּהֶיךָ לֹא תַעֲשֶׂה כָּל מְלַאכְהָ ... (יא) כִּי שֵׁשֶׁת יָמִים עָשָׂה יְקִיָּק אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ אֶת הַיָּם וְאֶת כָּל אֲשֶׁר בָּם וַיִּנַּח בַּיּוֹם הַשְּׁבִיעִי ...

That said, the act of *hotza'ab* is nonetheless a *melacha grua* (weak *melacha*) – i.e., it doesn't actually create anything – and it is this fact that gave the Rabbis the room to take into account the overarching value of community.<sup>13</sup> So instead of simply banning areas perceived as public domains, the mechanism of Eruv Chatzeirot, while doing the work of “fencing” the prohibition of carrying in a true public domain (*reshut harabim*), now expands our private domain (*reshut hayabud*) to include those around us, to build a community. But there is a limit to how far we can extend our community before it ceases to be a true community – and thus we have the *Techum Shabbat* (the Eruv of which allows us to re-center our “community” without breaching its limit).

Of course, I know that cities can establish enormous Eruvim that dilute the sense of community,<sup>14</sup> but as with many rabbinic enactments (e.g., *yayin mevushal*), their power lies in their symbolic message – here, the value of community. The Eruv comes to not simply facilitate community, it comes to urge community, to urge unity.

So explains the Yerushalmi Eruvin, saying that the Eruv makes peace between people:

**תלמוד ירושלמי מסכת עירובין ג:ב**

**א"ר יהושע [בן לוי]<sup>15</sup> מפני מה מערבין בחצירות? מפני דרכי שלום.** מעשה באשה אחת שהיתה דבובה לחבירתה ושלחה עירובה גבי ברה נסתיה וגפפתיה ונשקתיה אתא ואמר קומי אימיה אמרה הכין הוות רחמה לי ולא הוינא ידעה מתוך כך עשו שלום הדא הוא דכתיב דרכיה דרכי נועם וכל נתיבותיה שלום.

The commentaries here explain precisely what is the peace that R. Yehoshua Ben Levi is referring to:

**קרבו העדה מסכת עירובין פרק ג**

**מפני דרכי שלום.** כדי שיבואו לדבר זה עם זה גם שע"י כן יחשבו שכולם כאיש אחד הם חשובים : [everyone will see themselves unified as one person]

**עלי תמר מסכת עירובין פרק ג**

**אומר ריב"ל שיש להרחיב השלום בית גם על השכנים שגם הם בכלל שלום בית במובן הרחב.** שכן השכנים הם כקרוביו [neighbors are like family] ...

<sup>13</sup> On the value of community: Soloveitchik, “The Community,” *Tradition* 1978, 17:2 (<https://traditiononline.org/the-community/>); R.S.R. Hirsch (Ex. 30:12,13,16).

<sup>14</sup> E.g., the Monsey eruv is 43sqmi with a 121-mile perimeter (<https://eruvfinder.com/the-monsey-eruv/>).

<sup>15</sup> See Alei Tamar (ad loc) for this identification.

It is this very value of unity that Jacob emphasizes on his deathbed in this week's parsha:

**בראשית פרק מט (פרשת ויחי)**

(א) וַיִּקְרָא יַעֲקֹב אֶל בְּנָיו וַיֹּאמֶר הֲאִסְפוּ וְאֶגִּידָה לָכֶם אֵת אֲשֶׁר יִקְרָא אֶתְכֶם בְּאַחֲרֵית הַיָּמִים :

(ב) הַקְּבֹצוּ וְשִׁמְעוּ בְנֵי יַעֲקֹב וְשִׁמְעוּ אֶל יִשְׂרָאֵל אֲבִיכֶם :

R. S. R. Hirsch (Gen. 49:1-2) explains it as follows:

הַקְּבֹצוּ and הֲאִסְפוּ have by no means the same meaning. .... אִסְפוּ means, to bring something from the place or sphere where it does not really belong, to where it does belong. There is always some idea of its relationship to עֶזְב, a breaking away from everything else that is improper. Hence here הֲאִסְפוּ, break away from everything to which you really do not belong, and find yourselves all united in the one common purpose. Be all taken up with that which is common to you all! ... So that הֲאִסְפוּ demands the spiritual gathering together on the single point, for one single purpose - as our sages, accordingly, pithily explain it! הִטְהַרְרוּ! Literally it would read: Let yourselves be gathered up (i.e. by your common mission).

קָבְצוּ, on the other hand ... always refers to the external gathering together of people [physically], not uniting in mind but in space. So we have here two pronouncements: All of you together give yourselves up to your one purpose in life for I would picture to you what will happen to you at the end of time. Really, what will "call to you" at the end of time (see Ch. XLII.4) אַחֲרֵית must be differentiated from קֵץ. קֵץ is the end, where something ceases, אַחֲרֵית is that which comes afterwards, after the other has ended. Here, accordingly, after the present development of time has run out, the legacy of days, the goal of world-history.

We know from what follows that Jacob did not have in mind the uniformity of his sons, but was thinking of them in their characteristic diversity [unity not uniformity - MN]. Hence: "different though you all are, if you will all give yourselves up entirely to the one spirit, I will reveal to you what the end of time will be for you." First, one spirit must pervade all the sons of the Family of Jacob before the אַחֲרֵית הַיָּמִים will come. It will not come before the הֲאִסְפוּ has become a reality [i.e., we will not reach that halcyon day of redemption without first coming together in spirit]. Yea - perhaps - it will not even be conceived, understood, until then, and that is why only just short hinting references to the אַחֲרֵית הַיָּמִים follow.

הקבצו ושמעו! these two words from the mouth of the dying father contain the whole Jewish history until the אחרית הימים. Physically, you are בני יעקב, a powerless minority. But because you are a powerless minority הקבצו, *keep together*, grow together, do not split up into parties, in קבוץ, **unity** lies your strength. And שמעו בני יעקב, only by one thing can the weakest physical minority obtain the victory over the strongest majority, and that is spirit, mind, it is שמעו, it is by giving yourselves up to spirituality, hence בני שמעו, have an ear, get understanding for the spiritual, thirst for it, as the word itself means (שמעו is the spiritual צמא) drink deeply, absorb it! Such is the testament of our Father Jacob. "Unity, concord, and spirit", . . .

In short: Yahad Nenatzach.

## The End

And that brings us to the final words of Mesechet Eruvin. As we said, Eruvin is really all about unity. The Mesechet ends, however, with a discussion not about Eruvin but about tying knots to fix the Harp (kinor) in the Temple on Shabbat.<sup>16</sup> Perhaps there is a poetic connection in that the Temple service was accompanied by the Levi'im singing in unison and playing their instruments in harmony, just as we must all come together.

And so we conclude:

### **תלמוד בבלי מסכת עירובין דף קה עמוד א**

[מהמשנה:] שלא התירו לך אלא משום שבות [במתחם המקדש]. [הגמרא מסבירה:] היכא קאי? - התם קאי, דקאמר תנא קמא: קושרה. ואמר ליה רבי שמעון: עונְּבָה. עניבה דלא אתי לידי חיוב חטאת - שרו ליה רבנן, קשירה דאתי לידי חיוב חטאת - לא שרו ליה רבנן.<sup>17</sup>

**הדרן עלך "המוצא תפילין" וסליקא לה מסכת עירובין.**

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<sup>16</sup> Indeed, the whole last chapter is about Shabbat laws because, it is speculated, originally the Mesechet Eruvin was not separate from that of Shabbat (Encyc. Judaica 6:850).

<sup>17</sup> The Mishna teaches that only rabbinic violations were permitted in the Temple precinct. To what does this refer? The Tanna Kamma said one could tie a knot. R. Shimon said, a bow. For, in tying a bow one does not violate a biblical prohibition and thus the rabbis permitted it. In tying a knot, however, one does violate a biblical prohibition and thus the rabbis did not permit it.