



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Eiruv Daf Pey Zayin

- **R' Chananya ben Akavya** had said that a balcony which is 24x24 tefachim, into which one cuts a 4x4 tefach hole, can be used to draw water from underneath it because we view the sides of the boards as being folded down and acting as 10 tefachim walls on each side of the hole.
 - **Abaye** said, if the balcony is within 3 tefachim to the wall of the house, the length of the board needs to be 4 amos (24 tefachim), but the width need only be 11 tefachim and a bit more (the house acts as one wall, the boards only need to be carved out 1 tefach plus a drop to make the 4 tefach hole, when the boards are viewed as folded on the sides of the hole they will be 10 tefachim long but only need to be a drop more than 1 tefach wide because with lavud they will be 4 tefachim wide, and the wall opposite the house will be a full 4 tefachim wide and 10 tefachim long).
 - **Abaye** said, if the board was standing vertically so that it was parallel to the house and was placed less than 3 tefachim away from the house, the board would only need to be 10 tefachim long and 6 tefachim plus 2 minute amounts wide (4 tefachim will be used to create a wall opposite the house, and a tefach plus a drop will be "bent" to be used as side walls on each side of the hole, which through lavud will be viewed as a 4 tefach wall).
 - **R' Huna the son of R' Yehoshua** said, if the vertical balcony was situated at an inward corner of the house, the board only needs to be 10 tefachim tall and 2 tefachim plus 2 minute amounts wide (the house acts as two walls of the hole, the board is placed so that when viewed as folded each 1 tefach plus a tiny amount is within 3 tefachim to the wall, and though lavud they act as the remaining 2 walls which enclose the 4x4 hole).
 - Based on the above situations, the only time that a board of 24x24 would be necessary would be when it is freestanding on legs, not near any walls.

MISHNA

- If a stream of water passes through a chatzer (its source is before it enters the chatzer and its end is after it exits the chatzer), one may not draw water from the stream unless a wall of 10 tefachim is placed within the airspace of the stream at its entrance to the chatzer and at its exit from the chatzer (a stream that is 4 tefachim wide and 10 tefachim deep gets the status of a karmelis and transfer between it and the reshus hayachid is prohibited unless the walls are put in place). **R' Yehuda** says, the wall that encloses the chatzer (at ground level) acts as the walls for the stream as well.
 - **R' Yehuda** said, there was a stream in a place name Avel, from which the people drew water with the approval of the Elders even though there were no special walls within the airspace of the stream! The **Chachomim** said to **R' Yehuda**, that stream was either not 4 tefachim wide or 10 tefachim deep, and therefore was not a karmelis (and didn't need walls) and was considered part of the reshus hayachid.

GEMARA

- A Braisa says (like our Mishna), that if the stream does not have a wall of 10 tefachim high at the stream's entrance to and exit from the chatzer, water may not be drawn from it on Shabbos. **R' Yehuda** said that the walls around the chatzer can act as the walls around the stream. **R' Yehuda** then said the story he said in the Mishna and the **Chachomim** respond as in the Mishna.
- A Braisa says, if a stream of water passes under the windows of a house, if "it" is less than 3 tefachim wide, one may lower a pail from the window and draw water. If "it" is more, it may not be done. **R' Shimon ben Gamliel** says, if "it" is less than 4 tefachim wide, one may lower a pail from the window and draw water. If "it" is more, it may not be done.

- **Q:** What is “it” about which there is a machlokes as to its maximum width which would still allow for drawing of water? If it is referring to the width of the stream, that would mean there is a machlokes with regard to how wide an area must be to get karmelis status, and **R’ Dimi in the name of R’ Yochanan** said that an area must be 4 tefachim wide to get karmelis status (and there seems to be no one who argues with him)!? **A:** The machlokes is regarding the banks along the stream. If it is less than 3 or 4 tefachim (depending on the machlokes), it is considered a makom petur, so the people in the houses may lower the pails from the reshus hayachid onto the makom petur, and from there into the stream, from the stream back onto the makom petur, and from there back into the house.
 - **Q: R’ Yochanan** said that a makom petur may not be used to transfer items from one reshus to another!? **A:** He said that regarding a reshus hayachid and reshus harabim – between which transfer would be assur D’Oraisa. In this case it is only D’Rabanan (transferring between a reshus hayachid and a karmelis) and we would therefore allow it.
 - **Q:** When explaining a Mishna earlier in the Mesechta, **R’ Yochanan** said that if 2 chatzeiros (which did not make a joint eiruv) are separated by a wall that is less than 4 tefachim thick, people of each chatzer may bring food to the top of the wall and eat it there (it is a makom petur), but they may not then transfer it to the other chatzer. We see that **R’ Yochanan** applies the prohibition of transfer to the case of a D’Rabanan as well?! **A: Zeiri** is the one who said this last halacha in the name of **R’ Yochanan**. However, **R’ Dimi** would say that **R’ Yochanan** did not prohibit transfer in a case of D’Rabanan.
 - **Q:** According to **Zeiri**, how does **R’ Yochanan** allow transfer of the pail between the reshus hayachid and the karmelis via the makom petur!? **A: Zeiri** says the machlokes in the Mishna is regarding the width of the stream itself, and he will say that **R’ Dimi’s** halacha regarding the width of a karmelis is a machlokes among the Tannaim in our Mishna.
 - **Q:** Even if it is not large enough to be considered a karmelis, since this stream is an offshoot of a larger body of water it should be considered the “crevice of a karmelis” (a small area that is an offshoot of a karmelis and should have the same halacha as a karmelis, similar to an offshoot of a reshus harabim)!? **A: Abaye bar Avin and R’ Chanina bar Avin** both said, there is no din of a “crevice to a karmelis” as there is by a reshus harabim. **A2: R’ Ashi** said, it could be there is a din of a “crevice to a karmelis”, however that is only where it is close to the area that is a full-fledged karmelis. This area is distanced from where the stream is wide enough to be a karmelis and thus is not considered a “crevice of a karmelis”.
- **A: Ravina** says, the Mishna is referring to where the person made small blockages to the stream at the entrance and exit of the chatzer, but the two sides of the blockage were not completely across the stream. The machlokes is, how far can they be and still be considered complete. This is a question of lavud, and the **Rabanan** and **R’ Shimon ben Gamliel** take their normal stances, requiring either less than 3 tefachim or less than 4 tefachim to qualify for lavud.

MISHNA

- If a balcony juts out over a body of water, one may not draw water from down below unless there are walls 10 tefachim high around the balcony or the 4x4 hole in the balcony, whether the walls are on top or underneath the balcony.
- If there are 2 balconies which jut out over the water and one is situated less than 4 tefachim away from the other, if only the upper balcony has walls around it, neither balcony may draw water until an eiruv has been made between them.

GEMARA

- Our Mishna does not follow **Chananya ben Akavya** (who says we view a straight board as bending and making walls), because it requires actual walls be put in place.
 - **R' Yochanan in the name of R' Yose ben Zimra** said, **R' Chananya ben Akavya** only said his halacha regarding a balcony over the sea in Teveria, because it is anyway surrounded with sea banks, cities and karfifos. He would not be as meikel with other bodies of water.
- A Braisa says, **R' Chananya ben Akavya** was matir 3 things for the people of Teveria:
 - They may draw water from a balcony, as we explained above.
 - He said, if they collect the leftover straw from the field to use for storing their fruit, even if the straw is still damp from dew, it will not make the fruit “much'shar l'kabel tumah”. (Absent specific intent, we say that they collected it early in the morning when damp because they had other work to do later and could not wait until it dried to collect it).
 - He allowed them to dry themselves with a towel after bathing on Shabbos or Yom Tov.
- **Rabbah bar R' Huna** said, the Mishna only allows *drawing* water if the walls were put in place. However, disposing of water from the balcony will not be allowed.
 - **Q: R' Shizbi** asked, why is this different than the Mishna that allows disposing of waste water into a cesspool even when the cesspool is at capacity and the waste water being disposed of will overflow out of the chatzer!? **A:** In the case of the cesspool, the waste absorbs into the ground, so the one who is disposing of the water does not intend for the water to go beyond the chatzer. When disposing from a balcony, it unquestionably will be moved out of the reshus hayachid, and therefore is prohibited.
 - **Another version: Rabbah bar R' Huna** said, just like drawing water is allowed, so is disposing water from the balcony.
 - **Q: R' Shizbi** asked, this is obvious based on the Mishna with the cesspool?! **A:** We would think that only the case with the cesspool is allowed, because it gets absorbed into the ground and there is no intention to have the water go out of the chatzer.