



## Daf In Review – Weekly Chazarah

### Maseches Eruvin, Daf גפ – Daf טפ

Daf In Review is being sent l'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H  
v'l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf גפ-----83-----

CHETZYA L'BEIS HAMENUGAH, V'CHATZI CHETZYA LIFSOL ES HAGEVIYA

- A Braisa says what our Mishna says and then adds, “and half of half of half (1/8) of this size is the amount needed for food to be able to give off tumah to other foods.”
  - **Q:** Why didn't the Tanna of our Mishna mention this measurement as well? **A:** Because the size needed for food to transfer tumah further is actually not exactly half of the amount needed to make a person “passul”, as can be seen in the following Braisa.
    - The Braisa says: **R' Yehuda** says a “half pras” (the amount needed to make a person passul) is equal to 2 eggs minus a drop. **R' Yose** says it is equal to 2 eggs measured loosely. **Rebbi** measured (based on the conversion of the previous Daf) and found that the amount is equal to 2.05 (2 and 1/20) eggs. With regard to the amount of food needed to transfer tumah to other foods, a Braisa says: **R' Nossan and R' Dosa** say the amount is equal to an egg with its shell. **The Chachomim** say, it is equal to an egg without its shell. Based on these Braisos, we see that it is not exactly half of the “half pras” measurement, which is why our Tanna did not mention it in the Mishna.
    - **Rafam bar Pappa in the name of R' Chisda** picks up on the first Braisa and says that the **Chachomim**, which refers to **R' Yochanan ben Broka**, argues on both those views. They say the “half pras” is equal to an egg and a half measured loosely.
      - **Q:** Based on **R' Chisda's** explanation of **R' Yochanan ben Broka's** view on the last Daf, this is obvious. Why did he need to say this!? **A:** He is teaching us that the egg and a half are measured loosely, which is something he didn't teach there.
  - **R' Dimi** said that **Rebbi** once measured the size of a se'ah in Neusa and determined that it was the size of 217 eggs.
    - **Q:** Which se'ah did he measure that produced such a large size? If it was the se'ah size used in the Midbar (which was before the measurements were ever increased), the size should have only been 144 eggs. If it was the Yerushalmi se'ah (which was increased over the Midbar measurement by a 6<sup>th</sup> of the new amount, or by a 5<sup>th</sup> of the old amount) the size should have been only 173 (actually 172.8) eggs. If it was the Tzipori se'ah (which was increased over the Yerushalmi measurement by a 6<sup>th</sup> of the new amount, or by a 5<sup>th</sup> of the old amount) the size should have been only 207 (actually 207.4) eggs. How is possible that **Rebbi** measured 217 eggs? **A:** He was using the Tzipori measurement and was giving the gross amount needed (before the removal of challah) to yield the amount of the Tzipori se'ah (of 207 eggs).
      - **Q:** The challah amount (1/24) of 207 eggs is equal to 8 eggs. That only brings the total needed to 215 eggs, not the 217 counted by **Rebbi**!? **A:** **Rebbi** said above that we must add 1/20 to the measurement. If we add that to 207 we end up with 217, which is the number arrived at by **Rebbi**.
        - **Q:** The number is actually more than 217 (it is fractions more)!? **A:** It doesn't reach the next whole number, so we consider it as 217 eggs.
    - A Braisa says, “the Yerushalmi se'ah is 1/6 larger than the Midbar se'ah, and the Tzipori se'ah is 1/6 larger than the Yeruahalmi se'ah. Therefore, the Tzipori se'ah is 1/3 larger than the Midbar se'ah.”
      - **Q:** It is larger by 1/3 of what? If it is referring to 1/3 of the Midbar se'ah, that would be wrong, because 1/3 of that is 48 eggs, and the Tzipori se'ah is 63 eggs more than the Midbar se'ah!? If it is referring to 1/3 of the Yerushalmi se'ah, that would be wrong, because 1/3 of that is 58 eggs, and the Tzipori se'ah is 63 eggs more than the Midbar se'ah!? If it is referring to 1/3 of the

## Daf In Review – Weekly Chazarah

Tzipori se'ah, that would be wrong, because 1/3 of that is 69 eggs, and the Tzipori se'ah is 63 eggs more than the Midbar se'ah!? **A: R' Yirmiya** said, the Braisa means that the Tzipori se'ah is nearly 1/3 larger (based on 1/3 of itself ) than the Midbar se'ah (69 vs 63), and 1/3 of itself is about 1/2 of the Midbar se'ah.

- **Q: Ravina** asks, the Braisa doesn't say "nearly", so how can we say that's what the Braisa meant!? **A: Ravina** therefore says, the Braisa means to say that 1/3 of **Rebbi's** measure of the Tzipori se'ah (217 eggs, a third of which is 72 and 1/3) is 1/3 of an egg more than half of the Midbar se'ah (exactly 72 eggs).
- A Braisa says, the pasuk says challah must be given from **your** dough. This possessive teaches that to be obligated in challah, the dough must be as large as the dough created by the "mun" in the Midbar, which was 3/10 of a se'ah. From here we determine, that if a dough is made from 7 quarters of a kav plus 1.2 eggs of flour, it will be chayuv in challah. This is equal to 6 quarters of a kav of the Yerushalmi, and also equal to 5 quarters of a kav of Tzipori. The Braisa concludes that one who eats this much every day is a healthy person. One who eats more is an overeater and one who eats less ruins his digestive system.

### MISHNA

- If residents of a chatzer and residents of the upper porch (they both access the chatzer, the first group does so directly and the second group goes to the upper porch and from there to the chatzer) forgot to join in an eiruv, any area above 10 tefachim will be deemed to belong to the people of the upper porch. Anything lower than that is deemed to belong to the residents of the chatzer.
  - The mound of earth around a ditch, or a rock, each of which is 10 tefachim high, are deemed to belong to the upper porch. If they are less than 10 tefachim, they are deemed to belong to the residents of the chatzer.
- This general rule holds true when the raised area is "close" to the upper porch, meaning it is within 4 tefachim. However, if the area above 10 tefachim is not close to the upper porch, it is deemed to belong to the residents of the chatzer.

### GEMARA

- The Gemara lists a number of cases where the halacha is clear – where an area which is close to 2 areas which have not joined in an eiruv, and use of the area is easier for one than it is for the other, we allow use by the people who can use it easier.
  - If both areas of residence have equal access through a door to a particular area, the area is assur to both of them (it is not easier for one more than the other, so it is deemed belonging to both of them, and since there is no eiruv, it is assur to both of them). This would be the case of a window between 2 chatzeiros.
  - If the area is accessible to both chatzeiros only by "throwing" (i.e. the area is more than 10 tefachim high off of each chatzer), the area is likewise assur to both chatzeiros. This would be the case of the top of the wall separating 2 chatzeiros.
  - If the area is accessible to both chatzeiros only through "lowering" (it is lower than 10 tefachim below each chatzer), it is likewise assur for both chatzeiros. This is the case of a ditch in between 2 chatzeiros.
  - If the area is accessible to one through a door and to the other by means of throwing (it is 10 tefachim above one chatzer but not the other), that would be the case discussed by **Rabbah bar R' Huna in the name of R' Nachman**, where he said that the chatzer with easier access is deemed to have that area.
  - If the area is accessible to one through a door and to the other by means of "lowering" (it is 10 tefachim below one chatzer but not the other), that would be the case discussed by **R' Shizbi in the name of R' Nachman**, where he said that the chatzer with easier access is deemed to have that area.
  - **Q:** What is the halacha if the area is more than 10 tefachim above one chatzer and more than 10 tefachim below the other chatzer? **A: Rav** says the area is assur to both chatzeiros, and **Shmuel** says the area is mutar for the chatzer than can use it by "lowering" (the one which is above the area), because it

## Daf In Review – Weekly Chazarah

is easier to use an area by “lowering” than by “throwing” (it is easier to use an area lower down than it is an area higher up) and therefore that chatzer gets use of the area.

### -----Daf 7D---84-----

- When an area between 2 chatzeiros who did not join in an eiruv is 10 tefachim above the ground of one chatzer and 10 tefachim below the ground of another chatzer, **Rav** said it is difficult for each to use and therefore it is assur to the people of both chatzeiros. **Shmuel** says it is easier for the people who are above the area and therefore that chatzer is allowed use of that area.
  - **Q:** Our Mishna says that the people of the “upper porch”, get use of an area that is above 10 tefachim off the ground of the chatzer. Presumably the porch is at least 10 tefachim higher than the area which is 10 tefachim off the chatzer, and still we see that it is given to the people of the porch. This is like **Shmuel** said!? **A:** We can answer like **R’ Huna** says later on, that the Mishna is discussing the people who live on the porch level, which is within 10 tefachim to the raised area.
    - **Q:** If so, why does the Mishna say that if the area is less than 10 tefachim high it is given to the people of the chatzer? Presumably it is also within 10 tefachim to the people of the porch, so why is it given to the chatzer!? **A:** The Mishna means that in that case it would be given to the chatzer *as well*, and therefore no one would be allowed to use the top of that area because it is an area to which they both have rights and access, and have no eiruv in place.
      - This interpretation makes sense, because the Mishna says that if the raised area is 4 tefachim away from the porch, it is given to the chatzer. Why would it be given exclusively to the chatzer? It is difficult for the chatzer to use (it is above 10 tefachim) and difficult for the porch to use (it is 4 tefachim away), so they should be treated equally!? It must be that the Mishna means that it is given to the people of the chatzer *as well*.
  - **Q:** Our Mishna says that the people of the “upper porch” get use of a mound around a ditch (or the ditch itself) or a rock that are 10 tefachim off the ground of the chatzer. Presumably the porch is at least 10 tefachim higher than these areas which are 10 tefachim off the chatzer, and still we see that they are given to the people of the porch. This is like **Shmuel** said!? **A:** **R’ Huna** said, the Mishna is discussing the people who live on the porch level, which is within 10 tefachim to the raised area.
    - **Q:** That makes sense when discussing a rock, but what would the case of the ditch be? The bottom of the ditch is certainly at least 10 tefachim below the porch!? **A:** **R’ Yitzchak the son of R’ Yehuda** said, the Mishna is referring to a ditch that is filled with water to its rim. Therefore, just as the mound around the ditch is within 10 tefachim to the porch, so is the contents (water) of the ditch.
      - **Q:** The water will get used and diminished to more than 10 tefachim below the porch!? **A:** Since they can use it when full, we allow them to use it when less than full.
      - **Q:** It should be exactly the opposite! Since it cannot be used when less than full, we should not let them use it when full either!? **A:** **Abaye** said, the Mishna is referring to a ditch filled with fruit, not water.
        - **Q:** Fruit will be taken and the remaining will be more than 10 tefachim below the porch!? **A:** The fruit is tevel, and therefore muktzeh, which cannot and will not be moved. This makes sense based on the fact that the Mishna groups this case with the case of a rock, which is clearly muktzeh.
        - **Q:** Based on this, the case of the rock and the ditch are really the same. Why does the Mishna need to state them both? **A:** We would think that we should be goizer in the case of the ditch and not allow them to use it out of concern that they may use it when it is not tevel.
  - **Q:** A Braisa says that if there is a wall between the people of the upper story and the people of the lower story, with useful ledges protruding from the wall, the upper story may use the ledges within the top 10 tefachim of the wall and the lower story may use the ledges on the bottom 10 tefachim of the wall. The

## Daf In Review – Weekly Chazarah

Braisa seems to suggest that the area of the wall in between would be assur to both. This is a proof to **Rav!**? **A: R' Nachman** said, the Braisa is discussing a wall that is 19 tefachim tall. The bottom half is easier for the lower story to use and the upper half is easier for the upper story to use. There is no in between.

- **Q:** A Mishna gives a case where there are 2 balconies, one situated higher than the other, and the upper one has a hole in its floor to allow the lowering of a bucket to draw water from the water below. The Mishna says that if they did not make an eiruv, neither may use the hole to draw water. Now, the people of the upper balcony can draw water though a simple “lowering”, whereas the people of the lower balcony must first “throw” (i.e. raise their bucket to the upper balcony) and then “lower”, and yet the area is not given to the upper balcony. This is a proof to **Rav!**? **A: R' Ada bar Ahava** said, the Mishna is discussing a case where the lower balcony has a ladder allowing access to the upper balcony. Therefore, they also use the hole to draw water by a simple “lowering”. **A2: Abaye** said that the 2 balconies were within 10 tefachim to each other and there is therefore no clear separation between the two. This is different than the case of machlokes between **Rav and Shmuel** where there is a clear separation between the two chatzeiros. The chiddush of the Mishna is, that not only in a case where the lower balcony has the hole does the upper balcony prohibit its use because there is no clear cut separation, rather even when the upper balcony has the hole, and the use is easier for the upper balcony than for the lower balcony, still, since they are within 10 tefachim with no clear separation, the use of the hole is prohibited.
  - A proof to this concept can be seen from what **R' Nachman said in the name of Shmuel**. He said, if the roof of a structure (which is presumably 10 tefachim off the ground) is adjacent to the reshus harabim, and there is a porch that is less than 10 tefachim off the ground that is adjacent to the roof and to the reshus harabim, the only way the people living in the second story of the building (above the roof) may use the roof is if there is a permanent ladder from the second story to the roof. **Abaye** said, the reason for this must be because although the use of the roof is “difficult” for the reshus harabim and “easier” for the balcony (which is within 10 tefachim to the roof), since there is no clear separation between the balcony and the reshus harabim, they prohibit carrying on the roof. This is just like **Abaye** said!
    - **R' Pappa** said, this is not a proof. It could be that the people in the reshus harabim use the roof to put down their hats and kerchiefs (because they are very light, the fact that it is 10 tefachim off the ground does not make it considered to be a “difficult” use). Maybe that is why it prohibits the use of the roof.

### -----Daf 75-----85-----

- **R' Yehuda in the name of Shmuel** said, if there is a water pit in an alleyway between 2 chatzeiros, with no access from the chatzeiros to the alleyway (which obviates the need for an eiruv), and the water pit is 4 tefachim away from the wall of each chatzer (so neither chatzer has an easy use of the pit because it is 4 tefachim away, and each chatzer only accesses the pit via the air, not by walking though the alley), even though no eiruv is required (because of the “difficult” use by each, added to the fact that use is only through the air), each chatzer must put out a small protrusion from it into the alley as a reminder that in a case which is slightly different than this, an eiruv would be necessary, and can then fill pails with water on Shabbos. **R' Yehuda** himself agrees that a reminder is necessary, but says that even the placing of a reed can serve that purpose.
  - **Abaye** said to **R' Yosef**, this halacha of **R' Yehuda** (that a reminder is necessary) must come from his rebbi **Shmuel**, and not from **Rav**, because **Rav** says that a person does not prohibit an area on someone else just by having rights of use through the air. Therefore, he would not require a reminder in this case.
    - **Q:** Where do we find that **Shmuel** says “use by air” can prohibit an area? It can't be from the case where he says that the people of the reshus harabim prohibit use of a roof that is adjacent to it. Presumably the reshus harabim is somewhat set back from the roof, making their “use by air”, and yet their use prohibits the roof! This can't be where we see the view of **Shmuel**,

## Daf In Review – Weekly Chazarah

because it may be like **R' Pappa** said, that the people in the reshus harabim are actually using the roof by placing items on the roof. Maybe that is why **Shmuel** said they prohibit use of the roof. **A:** Rather it is from the statement that **R' Yehuda** quoted from him above, that each chatzer must stick out a tiny protrusion and may then draw water from the water pit in between the 2 chatzeiros.

- **Q:** Where do we find that **Rav** says “use by air” does not prohibit an area? It can't from the statement where **R' Huna said in the name Rav** that when there are 2 balconies, with the higher balcony having a hole to draw water from below, if the lower balcony's use of the hole is “use by air”, it will not prohibit the upper balcony from using the hole. That can't be the source, because it could be that the reason why the upper balcony may use the hole there is because its use is by “lowering”, whereas the lower balcony's use is by “throwing” and then “lowering”. Maybe that's why **Rav** said it doesn't prohibit use of the hole. **A:** Rather, it is from a statement of **Rav** which says that 2 houses which have 3 ruins separating them, the halacha is that each house may throw things into the adjacent ruin (even though the person from the other house uses it “through the air” during the week), but not into the middle ruin. We see that **Rav** says “use through air” does not prohibit the area.
  - **Q: R' Elazar** asked **Rav**, how can the outer ruins be permitted just because they are used by “lowering” and the middle ruin be prohibited because it is used by “throwing”? You, yourself say that “lowering” is not considered any easier of a use than “throwing”!? **A:** **Rav** said, the ruins are not situated in a row, they are situated in a way that there are 2 together between the houses, and the third one is below them and goes from house to house. That is why the 2 which are adjacent to each house are used by them. The other is used by both of them and therefore prohibited.
- **Q: R' Pappa** asked **Rava**, **Shmuel** will seemingly not agree with **R' Dimi** who said in the name of **R' Yochanan** that a pillar which is not 4x4 tefachim may be used by the people of the reshus hayachid and the reshus harabim (it is a makom petur). Given that this use is similar to “use by air”, **Shmuel** would presumably not allow this use!? **A:** Really **Shmuel** will not prohibit based on “use by air”. The reason he requires a protrusion from the chatzer to the water pit is because the **Rabanan** required it to prevent people from not keeping the D'Rabanan. However, when dealing with the pillar, that is a D'Oraisa, which does not need that extra level of protection.
- **Q: Ravina** asked **Rava**, we find that **Rav** prohibits throwing from one house to another over the reshus harabim!? **A:** The case there is discussing where one house is taller than the other and there is therefore a concern that the item will not reach its destination and will then be carried into the reshus hayachid, which would be a D'Oraisa.

### MISHNA

- An eiruv for a chatzer may not be placed in a gatehouse or a porch, and one who lives in these areas does not restrict the other residents from carrying in the chatzer.
- An eiruv may be placed in a straw barn, an animal barn, a wood shed, or a storehouse, and one who lives there does restrict the other residents from carrying in the chatzer.
- **R' Yehuda** says, if a resident rents his place of dwelling, and the landlord retains his rights to store items in the rented areas, the tenants do not restrict the landlord from carrying in the chatzer.

### GEMARA

- **R' Yehuda the son of R' Shmuel bar Shilas** says, anyplace that one may not place an eiruv, anyone who lives there will not restrict carrying in the chatzer, except for an individual's gatehouse. Also, anyplace that one may not place a eiruv, one may place a shituf, except in the mavoi itself.
  - **Q:** We have already learned this in our Mishna!? **A:** The chiddush is regarding the individual gatehouse and the mavoi itself, which are not mentioned in the Mishna.

## Daf In Review – Weekly Chazarah

- **R' Yehuda in the name of Shmuel** said, a group of neighbors who were eating together and Shabbos began, they may rely on the bread on the table for their eiruv. Others say it may be relied on for their shituf. **Rabbah** explained, if they are eating in the house, it may be used for the eiruv. If they are eating in the chatzer, it may be used for the shituf.

-----Daf 75--86-----

R' YEHUDA OMER IHM YEISH SHAM TEFISAS YAD...

- An example of this would be like the chatzer of Ben Bunyas, who had multiple houses in the chatzer but retained the right to store items in each house that he rented out.
  - When Ben Bunyas went to **Rebbi**, **Rebbi** said to the people, "Make room for this person who has 100 maneh (he is very wealthy)". Another wealthy person then came to **Rebbi**, and **Rebbi** said, "Make room for this person who has 200 maneh". **R' Yishmael the son of R' Yose** said to **Rebbi**, Ben Bunyas is much wealthier than this second individual, so why did you consider him less wealthy? **Rebbi** said, tell his father that he should have his son dress in clothing that more appropriately reflects his wealth.
    - **Rebbi and R' Akiva** would show honor to the wealthy people who gave alot of tzedaka.
- **Rabbah bar bar Chana** said, even if something as simple as the peg from a plow was stored in the tenant's house, the house would remain considered as belonging to the landlord.
- **R' Nachman** said, the **Yeshiva of Shmuel** taught, if the item stored by the landlord in the tenant's house is an item which may be moved on Shabbos, it does not make the house considered to be belonging to the landlord for eiruv purposes.

MISHNA

- **R' Meir** said, if a resident of the chatzer (Jew or goy) is away for Shabbos, he still prohibits the other residents from carrying in the chatzer unless he is joined in an eiruv (or the rights of the goy are leased from him). **R' Yehuda** said, if they are away they do not prohibit the others from carrying. **R' Yose** says, a goy who is away continues to prohibit, because he may return on Shabbos. A Jew who is away no longer prohibits, because he is not likely to return on Shabbos. **R' Shimon** says, even if a Jew goes to his daughter's house (in the same city) for Shabbos, he does not restrict the others from carrying, because he does not intend on returning home on Shabbos.

GEMARA

- **Rav** says, the halacha follows **R' Shimon**. This is true only when one goes to his daughter's house. One who goes to his son's house knows that it is possible he may return home (if he gets into an argument with his daughter in law) and he therefore continues to restrict his chatzer.

MISHNA

- If there is a watering pit that overlaps 2 chatzeiros (partly in one and partly in the other), neither chatzer may draw water from it unless there is a 10 tefach tall wall "down below" or within its rim. **R' Shimon ben Gamliel** says, **B"S** say the wall must be "down below", and **B"H** say the wall can be "above". **R' Yehuda** said, the wall at ground level that separates the chatzeiros is also effective at separating the watering hole.

GEMARA

- **R' Huna** said that **B"S** and **B"H** agree that the wall must be within the airspace of the pit. **B"S** say it must be "down below" near the surface of the water, and **B"H** say it may even be away from the water, as long as it is within the airspace of the pit. **R' Yehuda** said that **B"S** say it must be "down below" in the water at the bottom of the pit, and **B"H** say it may be above the water, but must be near the water.
  - **Q: Rabbah bar R' Chanan** asked **Abaye**, according to **R' Yehuda's** interpretation of the machlokes, **B"S** say the wall cannot be on top of the water because that would allow for a free intermingling of the water from each half of the pit to the other. But, when the wall is at the bottom of the pit there is also a

## Daf In Review – Weekly Chazarah

free intermingling of the water on top of the wall, so why is it any better!? **A: Abaye** said, **R' Yehuda in the name of Rav** (others say it in the name of **R' Chiya**) said, the wall must rise to one tefach above the water. Therefore, there is a full separation and absence of any obvious intermingling.

- **Q:** He asked further, according to his interpretation of **B"H**, the wall cannot be above near the rim of the pit, because that presumably would allow for the intermingling of waters. Why is it better when the wall is near the surface of the water? The water still noticeably intermingles!? **A:** He answered, **Yaakov Karchina'ah** taught that the wall must enter a tefach into the water, and in that way prevents any noticeable intermingling of waters.
- **R' Nachman in the name of Rabbah bar Avuha** says, a beam that is 4 tefachim wide and is placed over the water pit allows for the drawing of water by each chatzer.
  - **Q:** The pail may float past the beam to the water of the other chatzer!? **A:** The **Rabanan** were sure that a pail will not drift more than 4 tefachim away.
  - **Q:** The water from the two sides intermingle!? **A:** This is allowed because the **Rabanan** were very lenient when it came to allowing the drawing of water.

AMAR R' YEHUDA LO TIHEI MECHITZAH

- **Rabbah bar Chana in the name of R' Yochanan** said, **R' Yehuda** is the same shita as **R' Yose** who says that a “hanging wall” is effective even on land. **R' Yose** says this in a Mishna where he says that a succah wall is kosher as long as it is 10 tefachim, even if it does not reach the ground (and is therefore a “hanging wall”).
  - The Gemara says, this is not so. **R' Yehuda** need not agree with **R' Yose**, and **R' Yose** need not agree with **R' Yehuda**. It could be that **R' Yehuda** only says his din by eiruvei chatzeiros which is D'Rabanan, but would not say his din regarding succah, which is a D'Oraisa. It could also be that **R' Yose** only says his din regarding succah which is a mitzvas asei. However, he would not say his din regarding Shabbos which carries the skila death penalty.
    - Although we find a story that took place in Tzipori (where **R' Yose** was the Rov) where they carried on the basis of “hanging walls”, that story actually took place after **R' Yose's** death, and was allowed by **R' Yishmael the son of R' Yose**.
- **Rabbah** said, **R' Yehuda** and **R' Chananya ben Akavya** say the same idea. **R' Yehuda** of our Mishna who allows hanging walls. **R' Chananya ben Akavya** of a Mishna where he said, a balcony which is 4x4 amos (24x24 tefachim), one can cut a 4x4 tefach hole in the middle and draw water through it (because we view the remaining sides of 10 tefachim as if they bend down and create hanging walls of 10 tefachim).
  - **Abaye** said, it could be that **R' Yehuda** and **R' Chananya ben Akavya** would not agree with each other. It may be that **R' Yehuda** allows hanging walls, because we view them as stretching to the ground, but he may not allow us to view the walls as bending down as well. It may also be that **R' Chananya ben Akavya** only said his din regarding the sea of Teveria, because it was surrounded with a rim, cities and karfafs, and therefore could be adjusted with a small adjustment.

-----Daf 87-----

- **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

## Daf In Review – Weekly Chazarah

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**.

## Daf In Review – Weekly Chazarah

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 in 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

## Daf In Review – Weekly Chazarah

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.

### -----Daf פד--88-----

V'CHEIN SHTEI GEZUPTIRAOS ZU...

- **R' Huna in the name of Rav** said, the lower balcony only prohibits the upper balcony if they are within 4 tefachim to each other.
  - This follows **Rav's** shita that one cannot prohibit an area if his use of that area is “use by air”.
- **Rabbah** said in the name of **R' Chiya**, and **R' Yosef** said in the name of **R' Oshaya**, there is “theft of property on Shabbos” (if someone always uses the ruin next to his property, and he doesn't own that ruin, on Shabbos it is considered his and not the true owner's, so it can therefore be said that he has “stolen” the ruin), but a ruin “returns to its owner” for Shabbos (even if someone else uses the ruin all week, on Shabbos it is considered as belonging to the true owner and he must join the eiruv of the chatzer).
  - **Q:** This seems contradictory!? **A:** When they said that there is “theft of property”, they meant that it is treated as theft and therefore must be “returned” to the rightful owner for Shabbos (i.e. it is considered his for eiruv considerations).
  - **Q: Rabbah** asked, our Mishna says that the lower balcony prohibits the use of the upper balcony. Based on what was said above, since they are using it without consent, they should not be able to prohibit the upper balcony's use!? **A: R' Sheishes** said, the Mishna is discussing where the lower balcony contributed to the building of the walls around the upper balcony and therefore were “partners” and had full rights to use it.
    - **Q:** If so, why when the lower balcony has its own walls does the Mishna seem to say that they do not prohibit the upper balcony anymore!? **A:** When they build their own walls, it is as if they are saying that they no longer want to be partners in the upper balcony.

MISHNA

- One may not dispose of water on Shabbos into a chatzer that is smaller than 4x4 amos, unless he makes a cesspool in it that can hold two se'ah of water. The cesspool can be made within or without of the chatzer, but if it is made outside of the chatzer, it must be covered (so that it retains its status as a makom petur).
- **R' Eliezer ben Yaakov** says, if one has a gutter system that is covered for the first 4 amos that it enters the reshus harabim (which is about the length of distance the water of 2 se'ah would need to get absorbed into the ground), one may spill water into it on Shabbos. The **Chachomim** say, even if the gutter system was 100 amos long in the reshus hayachid before it enters the reshus harabim, one may not pour water directly into it. Rather, one may pour the water onto a roof which will lead into the gutter.
- A chatzer can combine with a roofed structure that has no walls (and is adjacent to that chatzer) to reach the 4 amah requirement.
- 2 upper stories that are opposite each other and are over a chatzer that is less than 4 amos, if one of the upper stories made a cesspool and the other did not, the one who made the cesspool may dispose of water into the chatzer, and the other may not.

GEMARA

- **Q:** Why may one pour water into a chatzer of 4x4 amos even without a cesspool? **A: Rabbah** said, a person generally uses 2 se'ah of water every day. Our Mishna is discussing the summer months. In those months, a person wants to have that amount of water in that size chatzer (which is a useful size) to keep the dust from

## Daf In Review – Weekly Chazarah

flying around. Therefore, any water that leaves the chatzer is done unintentionally. If the chatzer is less than 4x4, it is not useful and therefore he intends to send the water out of the chatzer, because he has no use for it in the chatzer. **A2: R' Zeira** said, in 16 square amos, 2 se'ah of water can get absorbed. Therefore, he does not intend to pour it out into the reshus harabim. Anything less cannot absorb that amount of water.

- **Q:** What is the difference between these reasons? **A:** If a chatzer is 16 square amos, but not a square. According to **Rabbah**, since the chatzer is not useful, one does not intend to keep the water in the chatzer. According to **R' Zeira**, the area is big enough to absorb that water, so it would be permitted.
- **Q:** Our Mishna says that a chatzer can combine with a roofed structure that has no walls (and is adjacent to that chatzer) to reach the 4 amah requirement. Presumably this is not discussing a case where they combine to form a perfect square, and yet they combine to allow disposal of water. This is a proof to **R' Zeira**!? **A:** The Mishna is discussing a case where the two combine to form a perfect square.
- **Q:** A Braisa says, if a chatzer is not 4x4 amos, one may not dispose of water into it. This Braisa is a proof to **Rabbah**! **A: R' Zeira** will say that this Braisa follows the shita of the **Rabanan** from our Mishna who say that one may not pour water into a gutter of any length. They clearly do not consider the rate of absorption as a significant reason in this area. Therefore, the Braisa which doesn't seem to care about the rate of absorption must be following them. Our Mishna, however, which **R' Zeira** says does focus on absorption, must follow **R' Eliezer ben Yaakov**.
  - **Q:** Why did he feel the need to interpret our Mishna like **R' Eliezer ben Yaakov**, rather than like the **Rabanan**? **A: Rava** said, the Mishna talks about a chatzer that is "less than 4 (sq) amos". If the Mishna was following the **Rabanan**, it should have said the chatzer was less than 4x4.

### R' ELIEZER BEN YAAKOV OMER BIV HAKAMOR

- Our Mishna does not follow **Chananya**, who says in a Braisa that one may not even pour water on Shabbos onto a roof that will flow into a gutter system (because the roofs do not absorb anything).
- A Braisa says, the only time a cesspool is required is during the summer months, when one rather not have his chatzer soaked with water (and rather that the water exit to the reshus harabim). However, in the winter months, when one doesn't care if his chatzer is all wet, a cesspool is not even needed.
  - **Q: Abaye** asked, with regard to disposing in a gutter, where one always would be fine with the water being absorbed in the gutter, and yet the Mishna says that water may not be poured directly into it!? **A: Rava** answered, with regard to the gutter, if we were to allow it, people who see the water flowing into the reshus harabim may say that it is allowed to dispose of water in this manner. However, in the winter months, when one disposes of water into his chatzer, the chatzer is already not usable, and water is flowing into the reshus harabim from all the rainfall anyway. Therefore we allow it.
  - **R' Nachman** explained the Braisa to mean that in the winter months, if one made a cesspool to hold 2 se'ah, he can dispose of 2 se'ah in the chatzer. If he made a cesspool of 1 se'ah, he can dispose of 1 se'ah. In the summer months, he cannot dispose of anything unless he makes a cesspool of 2 se'ah, at which time he may dispose of a full 2 se'ah.
    - **Q:** Why can't he make a cesspool of 1 se'ah and dispose of that amount in the summer as well? **A:** We are concerned that he may dispose of 2 se'ah there.
      - **Q:** Why don't we have that concern in the winter months? **A:** There is nothing to be concerned with at that time. The chatzer is already ruined and water is already flowing into the reshus harabim from all the rain. Therefore it is allowed.
      - **Abaye** said, therefore, even more than 2 se'ah may be poured into the chatzer during the wintertime.

### V'CHEIN SHTEI DYUTAOS ZU K'NEGED ZU

- **Rava** said, even if an eiruv was made between the two, only the party that made the cesspool may dispose of water there.
  - **Q: Abaye** asked, why is that so? It can't be because we are afraid for disposal of water beyond capacity of the cesspool, because we have learned that we need not be concerned for that!? **A:** It must be that **Rava** said, that the Mishna is only discussing where no eiruv was made, but if an eiruv was made, both parties may dispose of water into that chatzer.

# Daf In Review – Weekly Chazarah

- **R' Ashi** explains, if no eiruv was made, we do not allow it because we are afraid that it may lead the party of the other chatzer to carry water to the cesspool to dispose of it there.

## HADRAN ALACH PEREK KEITZAD MISHTATFIN!!!

-----Daf 89-----

### PEREK KOL GAGOS -- PEREK TESH'I

#### MISHNA

- **R' Meir** says, all adjoining rooftops in a city are considered to be one reshus (even though below the roofs the houses are owned by different individuals) as long as one roof is not 10 tefachim above or below the next. **The Chachomim** say each roof is considered to be a separate reshus. **R' Shimon** says, all roofs, chatzeiros and karfifos are considered to be one reshus for items that began Shabbos in one of these areas, but not for items that began Shabbos in a house (and was then brought out to one of these areas).

#### GEMARA

- **Abaye bar Avin and R' Chanina bar Avin** were sitting near **Abaye**, and were discussing our Mishna. They said, the shita of the **Rabanan** is understandable, because they hold that just like the houses below are separate, so too the roofs above are considered separate. However, **R' Meir's** shita is difficult to understand. If he says that above is treated as below, the roofs should be considered separate. If he says that the roofs are considered one, because all areas above 10 tefachim are considered to be one reshus, then why are the roofs considered separate when they are 10 tefachim higher than the next one? **Abaye** said, you must have not heard that **R' Yitzchak bar Avdimi** said, **R' Meir** said, whenever there are 2 of the same reshus, one within the other (like a pillar which is 4 tefachim wide and 10 high in the reshus hayachid), one may not even adjust his packages on it, as a gezeirah that he should not place things down on a mound (with the dimensions of a reshus hayachid) in the reshus harabim. For this same reason, **R' Meir** prohibits transferring from one roof to another when one is 10 tefachim higher than the other. **Abaye** explained that this gezeirah only applies for a stationary items (not a movable item like a barrel), because that more closely resembles a mound in the reshus harabim.
  - **Q:** A wall in between 2 chatzeiros is stationary, and yet, **R' Yehuda** says, according to **R' Meir**, roofs are a reshus unto themselves, same with chatzeiros, and same with karfifos. That means that one may transfer items that began Shabbos in a chatzer into another chatzer without the benefit of an eiruv. Presumably this is done over the wall, and we see that **R' Meir** allows transferring via the wall in the reshus hayachid!? **R' Huna bar Yehuda in the name of R' Sheishes** said, he allows transfer through entrances in the wall, not over it.

#### V'CHACHOMIM OMRIM KOL ECHAD V'ECHAD RESHUS BIFNEI ATZMO

- **Rav** says the **Rabanan** only allow carrying within 4 amos on the roof (because it is open in its entirety to the next roof). **Shmuel** says the **Rabanan** allow carrying on the entire roof, just not from one roof to the next.
  - If the buildings are not attached, and the roofs are separated by a space (in which case we view the walls of the buildings as extending upward and separating the roofs), all would agree that the roofs are separate and carrying is allowed on the entire roof. The machlokes is where the buildings are attached, and the walls separating them below are covered by the roof and not visible there. **Rav** says we don't view the walls as extending upwards when the walls are covered by the roof, and **Shmuel** says we do view the walls as extending upwards even in this case.
    - **Q:** Our Mishna says, the **Rabanan** say each roof is considered to be a separate area. This seems to agree with **Shmuel**!? **A:** The Yeshiva of **Rav in the name of Rav** said, the Mishna means to say that although one may carry within 4 amos, one may not carry from one roof to another even if it is within 4 amos.
    - **Q:** **R' Elazar** said, when he was in Bavel, the Yeshiva of **Shmuel** taught a Braisa that the owner of each roof "has only their own roof". This would seem to mean that they can carry over the entire roof and is a proof to **Shmuel**!? **A:** We can answer this like we answered the Mishna, that

## Daf In Review – Weekly Chazarah

although one may only carry within 4 amos, one may not carry from one roof to another even if it is within 4 amos.

- **R' Yosef** said, I never heard this halacha from **Shmuel** that we say “gud asik” to covered walls. **Abaye** said, you did hear it, because you taught it to us regarding a case where there is a small roof adjoining a larger roof (the larger roof is wider than the smaller roof so that the smaller roof has one side which is totally encompassed by the width of the large roof, but the large roof's sides extend beyond the small roof). You said, that one may carry all along the large roof (because all agree that we say gud asik on the sides of the buildings, and the large roof thus has 3 walls and parts of a 4<sup>th</sup> wall), but may not carry on the small roof (because it is completely open to the large roof on one side). You then told us that **R' Yehuda said in the name of Shmuel** that it is only assur when there are people walking back and forth between the roofs, because such traffic makes the wall in between the roofs to be considered non-existent. However, if there is no such traffic, **Shmuel** would say gud asik even though there is no visible wall!
  - **R' Yosef** said, I never said that. What I said was, if there are actual walls around the outer sides of the roofs, carrying is allowed in the large roof but not the small roof (for the reasons stated above). But if there are no actual walls, carrying would be prohibited on both roofs.
  - **Abaye** said, but you told us that it had to do with users of the roof! **R' Yosef** said, what I must have said was that if there is a wall that is fit for living around the outer of both roofs, it is mutar to carry in the large roof and assur to carry in the small roof. But if there is a wall fit for living only around the large roof, the people of the large roof may even carry on the small roof, because the fact that there is no wall there shows that the people of the small roof do not intend to use it.