

This month's Daf Digest is dedicated
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L'iluy Nishmas שרגא פייוול דוד בן קמואל
By the Abramowitz family

OVERVIEW of the Daf

1) Clarifying the opinion of R' Eliezer (cont.)

An unsuccessful attempt was made to demonstrate that R' Eliezer requires two lechayayim and a korah.

In the Baraisa quoted, R' Shimon ben Gamliel stated that Beis Shamai and Beis Hillel agree that a mavoi entrance less than four amos wide does not need any adjustment. This is in contrast with the Mishnah where it was stated regarding the same case that a lechi or korah was necessary.

R' Ashi reinterprets the Baraisa to be consistent with the Mishnah. The Gemara adds that a mavoi needs a lechi or korah even if it only has a width of four tefachim.

2) The required adjustment at the entrance to a chatzer

In the name of Rav it is said that Chachamim in our Mishnah would agree with R' Eliezer regarding the necessary adjustment to permit carrying in a chatzer and would require two lechayayim.

R' Nachman ruled like R' Eliezer and requires two lechayayim at the entrance to a chatzer.

R' Nachman bar Yitzchak identifies the Tannaim to whom Rav and R' Nachman refer.

R' Zeira pointed out a contradiction to R' Asi regarding R' Yochanan's position on this issue. In one quote he requires two lechayayim and in another he requires only one that is four tefachim wide.

R' Zeira resolved the contradiction and explained that if one lechi is used it must be four tefachim wide, and if two lechayayim are used, one placed on each end, there is no minimum require-

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REVIEW and Remember

1. What is the smallest width of an entranceway that requires an adjustment to permit carrying?

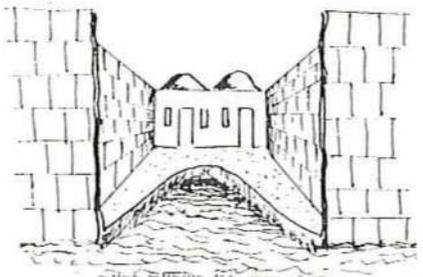
2. Under what condition is it prohibited to draw water from a sea that encroaches on a chatzer?

3. What is the Biblical status of a mavoi?

4. According to R' Yehudah, how many walls are necessary to create a private domain?

Daf DIAGRAM

הכא במאי עסקינן דאית ביה גדודי
פי' רשב"ם ור"ת גידודים
גבוהים י' לים בתוך החצר



The Gemara cited a Baraisa which suggests that we may not fill water from the inlet which leads into a chatzer/courtyard, but that we may carry in this chatzer.

Yet, the Gemara points out that it might be dealing with a case where the inlet has ridges which are ten tefachim high (א). These submerged ridges are considered as a valid wall, even though only part of the ridge is above water. ■

Distinctive INSIGHT

We are more lenient when it comes to water

קל הוא שהקילו חכמים במים

Rashi explains that the chachamim issued a special dispensation to allow filling water. In שערים המצוינים בהלכה, Rav Zevin, zt"l, explains that the reason for this leniency is that water is a very basic necessity of life. When the Jews ran out of water and confronted Moshe at Meriva (Bemidbar 20:3), they complained: "If we had only perished by the manner of death of our brothers (plague), rather than have to face the death of thirst!" As Rashi comments there, we see that dying of thirst is a death which is uglier than plague. Magen Avraham (O.C. 167, #18) also points out: "Before eating one's meal, a person must see to it that his animals have been provided with food. However, as far as drink is concerned, man has priority over animals, as we find regarding Rivka, 'take to drink, my master, and I will also give drink for your camels.' "

We also find later in our Masechta (88) that the sages have issued a leniency regarding pouring out dirty and waste water from the house, and this apparently has nothing to do with quenching thirst and sustaining of life. Nevertheless, the sages also deemed it necessary for כבוד הבריאות to allow disposing of refuse water from the house.

Ritva (Shabbos 100b) cites Rav Hai Gaon who explains that the reason the sages were lenient here is that more often than not, drawing of water from a lake is done while a person is on a boat, and this is a situation where it would be exceedingly difficult, if not impossible, to construct adequate walls. ■

HALACHAH Highlight

The minimum width of a mavoi

עד ארבעה

Until four tefachim

The Gemara inquires regarding the minimum size of a mavoi that requires a rectification to permit carrying. R' Achli or R' Yechiel teach that a mavoi that is four tefachim wide requires a rectification, but if its width is less than four tefachim it is not necessary to make any adjustment. Rashba¹ in the name of Ra'avad explains that the novelty of R' Achli's ruling is that when the entrance to the mavoi is less than four tefachim wide no further rectification is necessary even though the area of the mavoi is four tefachim by four tefachim. In other words, the mavoi narrows towards the entrance so that it is less than four tefachim wide. If the mavoi itself is not four tefachim wide all opinions would agree that no further rectification is necessary since the area is a makom petur rather than a mavoi. Tosafos², however, implies that R' Achli's ruling applies even when the mavoi is not four tefachim wide.

Shulchan Aruch³ presents two opinions whether a mavoi that is less than four tefachim wide requires rectification. The first opinion does not accept R' Achli's ruling and rules that even a mavoi that is not four tefachim wide requires rectification to permit carrying in it. If the mavoi is less than three tefachim no rectification is necessary since the principle of lavud considers the opening to be closed. The second opinion accepts R' Achli's ruling that a mavoi that is not four tefachim does not require rectification. Mishnah Berurah⁴ explains that Shulchan Aruch refers to a circumstance in which the mavoi is four tefachim wide but the entrance is not and since the entrance is not four tefachim no further rectification is necessary. However, if the mavoi itself is not four tefachim wide it is clear that the entrance to that mavoi would not require any rectification. Sha'ar HaTziyun⁵ explains that since Ra'avad explained that R' Achli refers to where the mavoi is four tefachim wide it is logical to assume that the dissenting opinion also refers to where the mavoi itself is four tefachim wide and the only question is whether the entrance also must be four tefachim wide. ■

1. רשב"א י"ג. ד"ה איכא.
2. תוס' ה. ד"ה ואי.
3. שו"ע אור"ח סי' שס"ג סעי' כ"ח.
4. מ"ב שם ס"ק קי"ז.
5. שעה"צ שם ס"ק צ"א. ■

Gemara GEM

A suspended partition

מחיצה תלויה מהו שתתיר בחורבה? א"ל אין מחיצה תלויה מתרת אלא במים

A mechitza/partition is legally valid when it is ten tefachim tall. This may be a composite amount, if the solid portion is seven tefachim plus a bit more, and it is suspended above the ground within three

tefachim. Using the concept of לבנד, the seven-plus combined with the slightly less than three open space can now be seen as a full wall of ten tefachim.

However, if the partition, no matter how tall, is suspended a full three tefachim or more from the ground, this is no longer valid (see Mishna Berura 362:7). We call this "גדיים בוקעים בו"—a wall which goats could pierce through." The very fact that a goat can march through indicates that this wall is

not functioning as a partition. Some say that even in a place where there are no goats in the vicinity, this criterion is still used, and a suspended wall is invalid (see Chazon Ish 68:10 and 79:11).

There is one situation where our sages were lenient in regards to a suspended wall, and that is where the wall is needed in order to allow drawing water on Shabbos. In this case, we may rely on such a partition as being fully valid. ■

(Insight...continued from page 1)

ment regarding its width.

R' Yosef in the name of R' Yehudah in the name of Shmuel ruled: It is permitted to carry in a chatzer that only has one lechi.

Abaye challenged the quote of Shmuel from another ruling of Shmuel where he required either a majority of the entrance-way to be closed or two lechayayim.

R' Yosef failed at his attempt to justify his quote and as for the contradiction between the two rulings of Shmuel, the Gemara answers the same as R' Zeira did above.

R' Pappa questions why, according to Shmuel, the majority of the entranceway must be closed. Two answers are suggested.

A Baraisa rules: If the wall of a chatzer bordering on the sea is breached more than ten amos, it is prohibited to draw water from the sea unless a wall ten tefachim high is built to separate the water bordering the chatzer from the rest of the sea.

The Gemara asks: Why is there only a restriction against drawing water, it should be prohibited to carry as well?

The Gemara answers that a wall ten tefachim still stands beneath the surface of the water. Thus carrying is permitted but drawing water is prohibited because the waters have not been divided.

3) The function of the lechi and korah

R' Yehudah rules: If someone throws an object from a public domain into an open mavoi with a lechi at one end he is liable but if there is only a korah he is exempt. This ruling indicates that R' Yehudah holds that a lechi is considered a wall, whereas a korah serves as a reminder. This is also the position of Rabbah. Rava, however, maintains that both serve as a reminder.

R' Yaakov bar Abba unsuccessfully challenges Rava's position.

4) The distinction between a mavoi and chatzer

Two rulings are quoted in the name of Rav. If a mavoi is square a minimal-size lechi is insufficient. If a mavoi is square a korah will not permit carrying.

R' Nachman cited the following tradition: A mavoi must be deeper than it is wide and must have houses and chatzeiros open into it. A chatzer is either square shaped or wider than it is deep. Rav, quoting R' Chiya, ruled that even if it is only slightly wider than deep it is a chatzer. ■

