



# OVERVIEW of the Daf

- 1) **Clarifying the opinion of R' Yehudah (cont.)**  
 Abaye demonstrates to Rabbah that R' Yehudah and R' Chananya ben Akavya do not necessarily maintain the same position regarding suspended partitions.
- 2) **Clarifying R' Chananya ben Akavya's opinion**  
 Three cases are cited in which R' Chananya ben Akavya would permit drawing water even though the plank is less than four by four amos. Additionally, the Gemara explains the circumstance in which R' Chananya ben Akavya's ruling would apply.
- 3) **MISHNAH:** The Mishnah discusses a disagreement concerning the adjustment necessary to permit drawing water from a canal that passes through a chatzer.
- 4) **Clarifying the Mishnah**  
 A Baraisa is cited that further elucidates the dispute in the Mishnah.  
 A second Baraisa is cited that discusses further details regarding drawing water from a canal.  
 A contradiction between two statements of R' Yochanan concerning transferring from one domain to another via a makom p'tur is noted.  
 The Gemara resolves the contradiction by distinguishing between domains that could result in a Torah violation (Reshus HaRabim to Reshus HaYachid) and those that would only result in a Rabbinic violation (karmelis to Reshus HaYachid).  
 The distinction suggested by the Gemara is unsuccessfully questioned from another ruling of R' Yochanan.  
 The Gemara suggests that the canal should be considered a crevice of a karmelis regardless of its size since it branches off from a karmelis.  
 Two answers are presented.  
 Ravina suggests an alternative explanation of the Baraisa.
- 5) **MISHNAH:** The Mishnah discusses the necessary dimensions of a balcony that would permit drawing water from beneath the balcony and the halachos of two balconies that are next to one another although not on the same plane.
- 6) **Leniencies for the residents of Teveria**  
 The Gemara notes that our Mishnah that requires actual partitions is inconsistent with the view of R' Chananya ben Akavya who does not require actual partitions.  
 R' Yochanan in the name of R' Yosi ben Zimra answers that R' Chananya ben Akavya's ruling was a leniency issued only for the residents of Teveria.  
 A Baraisa is cited which features the three leniencies issued for the residents of Teveria by R' Chananya ben Akavya. ■

# Distinctive INSIGHT

*Walls above and below a balcony*  
 גוזזטרא וכו' אלא אם כן עשו לה מחיצה גבוהה עשרה בין מלמעלה בין מלמטה

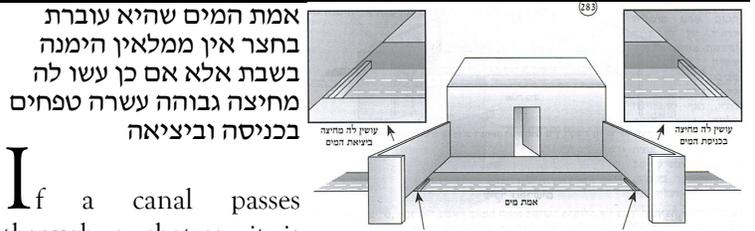
The Rishonim differ in their understanding where the walls for this balcony/porch must be constructed in order to allow drawing water from below. Rashi explains that the wall is a ten tefachim barrier either above the surface of the platform of the gallery (למעלה), or suspended just below the platform (למטה). Either way, the walls do not actually reach the water below. Nevertheless, we utilize the concept of גוד אחית, the legal outlook of "stretching the wall", and we consider it as if it reaches the water below.

Many other Rishonim (Rambam in Commentary to Mishnah, Rabeinu Peretz, Rashba, Ritva, et al.) learn that the term "למטה" refers to attaching the walls to the underside of the balcony, in which case we use the concept of "stretching the walls down," while "למעלה" refers to affixing the walls below, down where the surface of the water is located, in which case we utilize the rule of "גוד אסיק," where we see the walls below as "stretching up".

The Tur and Shulchan Aruch (356:1) rule according to Rashi's interpretation of the Gemara. They point out that this means that we allow the wall around the balcony itself to validate the drawing of water from below (unlike the other Rishonim who all require that the wall be below the platform of the balcony). They also add that the enclosure around the filling hole need not be constructed immediately around the perimeter of the hole itself, but it is also acceptable to have the balcony enclosed around its far edge.

Mishnah Berura (שם סק"ה) points out that due the varying interpretations, it is best to construct a wall around the bottom of the platform of the balcony, which everyone agrees is valid. Although we follow the ruling of the Shulchan Aruch, it is always best to not enter into controversy. ■

# Daf DIAGRAM



If a canal passes through a chatzer, it is prohibited to draw water from the canal on Shabbos unless one constructs a partition, ten tefachim high, at its entrance and exit. The function of these partitions is to give the appearance that the water is contained within the chatzer and is therefore considered to be part of the private domain rather than a karmelis. ■

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 In memory of  
 ר' חיים שמואל בן ר' מאיר הלוי, ע"ה

# HALACHAH Highlight

## Using a towel on Shabbos

ומסתפקין באלונטית

And one may dry off with a towel

The Gemara relates that R' Chanina ben Akavia permitted the residents of Tevaria to use a towel to dry off on Shabbos. Many commentators struggle to understand why R' Chanina ben Akavia permitted them to use a towel when it should be prohibited out of concern that after drying off they will squeeze water out of the towel which is prohibited due to the prohibition of sechitah. Ran<sup>1</sup> answers that the allowance is based on the fact that everyone who bathes dries off with a towel and prohibiting people from using a towel is comparable to prohibiting them from bathing and prohibiting people from bathing is an injunction to which the majority of people can not adhere. Magen Avrohom<sup>2</sup> notes that in countries where it is not so warm and people do need to bathe it is possible that it is prohibited to use a towel. He then entertains the possibility that once Chazal did not prohibit the use of a towel during their time we cannot introduce it as a new injunction. His final position is that one should use a towel from which one would not be interested in extracting the absorbed water.

Elya Rabba<sup>3</sup> in the name of other Rishonim explains that since there is only a small amount of water on one's body and hands they were not concerned that a person would squeeze out the absorbed water. Orchos Shabbos<sup>4</sup> writes that based on this explanation one should avoid using a small thin towel that could become saturated with water. A third explanation offered by Vil-

# REVIEW and Remember

1. How does R' Chananya bar Akavya take the concept of virtual walls further than R' Yehudah does?
2. What is the point of dispute in the Mishnah concerning the use of partitions to draw water from a canal that passes through a chatzer?
3. What makes the Sea of Teveria different from other bodies of water?
4. What are the two ways partitions may be constructed on a balcony to permit drawing water?

na Gaon<sup>5</sup> is that a towel is a piece of cloth from which one would generally not squeeze out the water. Orchos Shabbos<sup>6</sup> observes that drying one's self off with a piece of material that is not a towel is prohibited according to Elya Rabba and Vilna Gaon and even according to Magen Avrohom it should be avoided. ■

1. ר"ן שבת קמ"ז. ד"ה והא.
2. מג"א סי' ש"א ס"ק נ"ח.
3. אליה רבה סי' ש"א ס"ק י"ב.
4. אורחות שבת ח"א פ"י"ג הע"י קכ"א.
5. ביאור הגר"א שם סעי' מ"ה אות ק"ו.
6. אורחות שבת שם. ■

# Distinctive INSIGHT

## Sea Walls

בימה של טבריא הואיל ויש לה אוגנים ופרש"י - אוגנים - שפה גבוה דהויה כמחיצות סביב לה, דאיכא קצת הכירא דהיתר, דהא כרמלית מדרבנן היא, גזרה משום הוצאה מרשות היחיד לרשות הרבים, הואיל ויש לה קצת היתר, ואף על גב דאכתי כרמלית היא דהא קרפף יותר מבית סאתים שלא הוקף לדירה הוא, מיהו בתקנתא פורתא כי הא סגי:

From: The Contemporary Eruv:

In the last decade of the seventeenth century, we find the Chacham Tzvi (§5 and §37) addressing the possibility that natural walls, such as the canals surrounding The Hague in Holland, or even the cliffs surrounding the entire British isle, might constitute an eruv. While he rejected the latter possibility, he did accept the former possibility.

An issue concerning the use of lake/

seashores or river/canal banks, raised by the Rema (Orach Chaim 363:29), is that even where the shores or banks are sufficiently steep to form a halachic wall when the eruv is first put into effect, they may later be obliterated by a build-up of sediment. There was also concern that the river may freeze. Where, however, the wall above the highest tide is sufficient to meet the minimum standards, neither of these two concerns would impede upon the incorporation of the banks in an eruv (Mishna Berura 363:121). The Tikvas Zecharia (pp. 14-22) maintains - and musters significant evidence to support his position - that the concern over build-up of sediment is only a problem when parts of the shore or bank comprising the halachic wall are at or near the water line. Where, however, the entire portion of the shore or bank comprising the halachic wall is safely above the water line, the concern is not relevant and need not be taken into account. This is the prevalent view

- see Mishna Berura, *ibid.* and Nesivos Shabbos 15:10 and note 25. The Mishna Berura also notes that most sources raise the concern of sediment only when discussing seashores, not riverbanks. In discussing riverbanks, however, they are concerned only with freezing. A great river such as the Mississippi, however, may be more similar in these respects to a sea (although the Tikvas Zecharia, p. 56, does not entertain that possibility). (There were Poskim who permitted one side of an eruv to consist of a seashore or riverbank, if the other three were bona fide walls or tzuros ha'pesach - see No'am, *ibid.*, pp. 214-217, and Nesivos Shabbos, *ibid.*) We should note that the eruv in Manhattan did include banks and shores that were not of sufficient halachic height above the waterline, and that other rationales were necessary to allow leniency there. See No'am, *ibid.*, pp. 213-217. See also Hilchos Eruvin by Rabbi Elimelech Lange (Yerushalayim, 1972) 3:8-12. ■