

OVERVIEW of the Daf

1) Platforms (cont.)

R' Nachman in the name of Rabbah bar Avuha ruled: A ledge that projects from the wall and is four tefachim by four tefachim reduces the height of the wall if a ladder is placed against the platform but not if the ladder is next to the platform.

R' Nachman in the name of Rabbah bar Avuha ruled: A wall nineteen tefachim high can be adjusted with one platform but two platforms would be necessary if it is twenty tefachim high.

2) Reducing the dimensions of a post

R' Huna ruled: A post in a public domain that is ten tefachim high and four tefachim wide can be reduced by inserting a peg in the top of the post.

Two explanations are presented to clarify R' Huna's ruling.

R' Ashi rejects this ruling altogether and further clarifies his reasoning.

3) Utilizing a ladder to reduce the height of a wall

Different opinions are presented regarding the necessary length of a ladder to reduce the size of a ten-tefachim wall. The issue concerns the angle at which the ladder is placed against the wall.

R' Chiya and R' Oshaya suggest other objects, that are considered permanent as a result of their weight, that may be placed next to a wall to reduce its height.

R' Yosef asked Rabbah a series of questions concerning accepted methods to widen a ladder to meet the requirement that the ladder have a width of four tefachim.

R' Yosef also inquired regarding the use of a tree as a ladder or an asheirah tree as a ladder to connect two chatzeros.

Different opinions are presented regarding these last two issues.

4) MISHNAH: The Mishnah discusses the issue of a ditch between two chatzeros, and when the two chatzeros are considered separate and when they could be considered one. A similar issue is mentioned regarding two balconies.

5) The use of straw to fill the ditch

A contradiction is noted between our Mishnah which does not recognize straw as a material that nullifies the partition created by the ditch, and a later Mishnah which allows the use of straw to separate two chatzeros.

Abaye distinguishes between making a partition and filling in a ditch.

A contradiction is noted between our Mishnah and a Mishnah in Ohalos whether it is necessary to state that the earth is being placed in the ditch permanently. ■

Distinctive INSIGHT

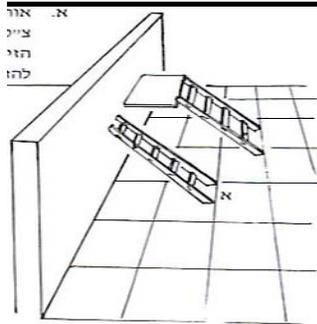
It must be legally accessible the entire Shabbos

ע"כ לא קאמר רבי התם כל דבר שהוא משום שבות לא גזרו עליו ה"מ בין השמשות אבל כולי יומא לא

According to the first approach of the Gemara, in order for a doorway to be halachically valid, it has to be one which is accessible the entire Shabbos. Therefore, a tree, which can only be accessed during בין השמשות, cannot be viewed as a means to scale the wall for the entire Shabbos. According to the second approach, a tree is indeed a valid method to scale the wall, but the halachah prevents us from actually utilizing it.

In Hilchos Eiruv, Mahari"l discusses a loaf which cannot be used the entire Shabbos, and that it may not be used for an eiruv. שו"ת דובב מישרים notes that the source for this ruling of Mahari"l is our sugya, where an opening to a wall must be accessible the entire Shabbos. An example given is when erev Pesach falls out on Shabbos, and a piece of matzah is used for the eiruv. We know that matzah may not be eaten on erev Pesach after mid-day. Yet, this matzah may be used for an eiruv, because if necessary, a child who does not understand about the exodus from Egypt may be fed this matzah even after mid-day. Therefore, this matzah is legally edible, in one way or another, the entire day. Chelkas Yaakov (1:211) notes that, accordingly, chometz certainly cannot be used as an eiruv on Shabbos which is erev Pesach. Here, although it may be eaten until the fifth hour of the day on erev Pesach, nonetheless, the chometz becomes forbidden at that point, and we do not have a loaf which is legally available the entire Shabbos. ■

Daf DIAGRAM



כותל עשרים צריך שני זיזים להתירו. אמר ר' חסדא והוא שהעמידן זה שלא כנגד זה

If a wall is twenty tefachim high, two platforms are necessary to permit use of the top of the wall. R' Chisda adds that the upper platform may not be placed directly over the lower

platform because space is needed so that a ladder can be leaned from one platform to the other. ■

HALACHAH Highlight

A city gate that the government does not permit to close
 פיתחא הוא ואריא הוא דרביע עליה

It is an entrance but there is a lion crouching there

R' Yosef expresses uncertainty about a ladder made from asheirah wood that is placed next to a wall that separates two chatzeiros. Since it is prohibited to climb the ladder being that it is prohibited for benefit it is not considered an opening or perhaps it is considered an opening that has a lion sitting in front of it that prevents him from climbing the ladder but its status as an entrance to the second chatzer remains in force. The Gemara's conclusion is that as long as it is not a Shabbos prohibition that prevents one from climbing the ladder, it retains its status as an entrance.

Teshuvos Avnei Nezer¹ used this principle to address the question of a city that has gates but the government does not allow the gates to be closed. Does such a city have the status of a city that has gates that close and could be considered a private domain or not? Avnei Nezer maintained that it retains its status as gates that are fit to close. He suggested many arguments to support his position. One argument is that since it is possible to secure permission to close the gates for a short period of time, it may still be considered a gate that is fit to close since any time could be that moment where permission is granted. Another reason is that if the

REVIEW and Remember

1. What activity is permitted if one properly places a ledge onto a wall less than nineteen tefachim high?

2. When may straw be utilized to widen a ladder?

3. What is the Gemara's question concerning making a ladder from an asheira tree according to R' Yehudah?

4. Why is a ditch filled with straw not considered to be closed?

government decided that they needed to close the gates, they are certainly authorized to do so and halachically there is no requirement that the gates should be capable of being closed specifically by Jews. The last argument he presents is that R' Yosef recognizes that if there is an entrance guarded by a lion it is still considered to be an entrance. Similarly, the gate is capable of being closed at any time. What practically gets in the way of doing so is the fact that the government does not permit. This is considered similar to the lion that prevents people from using an entrance and as such it does not lose its status as a gate that is capable of being closed. ■

¹שו"ת אבני נזר או"ח סי' רע"ח אות ט'.

Gemara GEM

Reshus ha'yachid mounds

ד"ה אלא מאי אית לך למימר דמנח עליה מידי ומשתמש :
 ולא קאי האי טעמא אלא היכא דאין הבור רחב ד' מבפנים אלא ע"י צירוף חוליא והחוליא גבוה עשרה מבחוץ לרה"י דאע"ג דתוכו לאו רה"י הוא על גביו רה"י משום דאי בעי מנח עליה מידי ומשתמש — תוספות עירובין דף עח/א

Tosafos states that the Gemara only needs to resort to the possibility of placing something across the mouth of a hollow mound in a case in which the inner dimensions of the mound do not suffice to constitute a reshus ha'yachid (viz. the areas if the mound is less than 4x4 tefachim) – while the outside di-

mensions are sufficient. Since there exists the possibility of placing something, such as a plank, across the mouth of a mound, the top of the mound – which is surrounded by ten-tefach walls and is itself 4x4 – is a reshus ha'yachid.

R' Chaim Soloveitchik of Brisk (Hil. Shabbos 14:1) finds this approach difficult: If the top of this mound is a reshus ha'yachid, why is the inside of the mound not also considered a reshus ha'yachid on the basis of the principle of חורי רה"י כרה"י — the holes [extending] from a private domain are like a private domain (see Shabbos 7b)?

In order to answer this question, he distinguishes between two types of walls: Walls that create a reshus ha'yachid within their confines vs. walls that create a reshus ha'yachid above their confines

(through the principle of גוד אסיק [literally: extend the walls up]). When walls encompass an area that is itself of sufficient dimensions to be a reshus ha'yachid, then the holes coming off that area s are also considered part of that reshus ha'yachid (even though in themselves the holes do not possess those dimensions). However, where the walls only create a reshus ha'yachid when their thickness is included – and therefore only create that reshus across their top (by means of the virtual plank) – the holes in the walls are separate from the area in which not a part of a reshus hayachid and therefore are not subject to the principle that the holes [extending] from a private domain are like a private domain. ■

