

OVERVIEW of the Daf

1) Clarifying the opinion of R' Yochanan

The Gemara questions whether R' Yochanan can in fact hold that carrying in non-residential domains is permitted when an anonymous Mishnah indicates that it is prohibited.

The Gemara dismisses the question.

2) Two courtyards and a ruin in between

A dispute between R' Huna and Chiya bar Rav is recorded regarding two chatzeros, only one of which made an eiruv, and a ruin is between them. According to R' Huna the ruin is granted to the residents of the chatzer that did not make an eiruv, while according to Chiya bar Rav it is granted to both chatzeros and neither will be permitted to carry in the ruin.

According to a second version Chiya bar Rav ruled that it is given to both chatzeros and carrying will be permitted.

3) **MISHNAH:** The Mishnah discusses the halachah of a large roof adjacent to a small roof as well as a large chatzer that is open to a small chatzer.

4) Clarifying the Mishnah

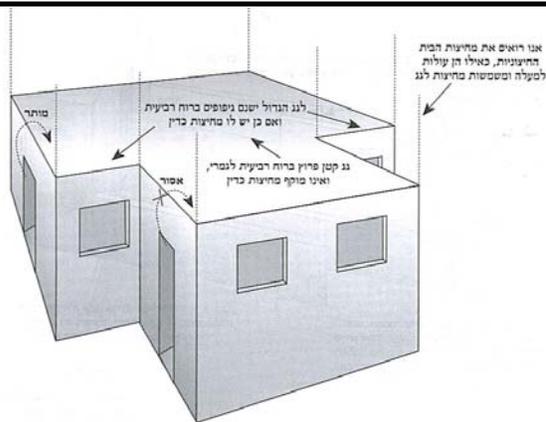
The reason the Mishnah teaches two cases is explained according to Rav and Shmuel.

Rabbah, R' Zeira and Rabbah bar R' Chanan identified five applications of the Mishnah's statement, "...because the small chatzer is like an entrance to the large chatzer."

Abaye questioned one of the applications because it would constitute a case in which a partition causes a prohibition.

The Gemara attempts to prove that there is precedent for the concept that partitions can cause a prohibition. ■

Daf DIAGRAM



גג גדול סמוך לקטן—הגדול מותר והקטן אסור

If a wide roof is adjacent to a narrow roof and no eiruv was made to merge them together, it is

permitted to carry from the large roof to the house below since the large roof is considered closed on four sides (the narrow roof is not ten amos or more wide.) It is not permitted to carry from the small roof to the house below because it is completely open on one side. ■

Gemara GEM

The Presence of a Beis Din at a Woman's Conversion

תשעה בגדולה ויחיד בקטנה מצטרפין תשעה בקטנה ואחד בגדולה אין מצטרפין

תוספות— תשעה בגדולה ויחיד בקטנה מצטרפין - דוקא ביחיד בקטנה אבל חמשה בקטנה וחמשה בגדולה אין מצטרפין, וסיפא דנקט תשעה בקטנה ה"ה חמשה בקטנה אלא אגב רישא נקט האי לישנא

Rambam (Hil. Issurei Bi'ah 14:6) writes: "And if she [the convert] is a woman, [other] women place her in the water up to her neck, while the judges are outside. They tell her some of the less stringent and some of the more stringent mitzvos as she is sitting in the water. She then immerses before them, and they turn around and exit so that they do not see her when she comes out of the water." The Aruch LaNer (to Yevamos 74b) understands Rambam to be saying that the judges must themselves observe the immersion. A similar inference may be made from the Shulchan Aruch (Yoreh Deah §268).

R' Moshe Feinstein (Igros Moshe, Yoreh Deah 5:127) adds that it is not only preferable, but essential that the Beis Din observe the convert's immersion. It is from our Tosafos that Reb Moshe infers that the presence of the judges in an adjacent room does not suffice, for we see here that when there are five people in a smaller courtyard and five people in an adjacent larger courtyard, they cannot be considered one group for the purpose of forming a minyan (see also Shulchan Aruch, Orach Chaim 55:16). Hence, even if the judges are standing in a room that is open to the mikveh, this does not suffice for them to be considered as if they are present in the place where the immersion is taking place. Thus, it is as if the immersion of this convert is taking place in the absence of a Beis Din, and it is doubtful whether a conversion in the absence of a Beis Din is valid (see also Teshuvos Yabi'a Omer, vol. 1, Yoreh De'ah §19). ■

REVIEW and Remember

1. How do we know that R' Chiya does not follow everything he recorded in a Baraisa?
2. Why is it prohibited to carry in a small chatzer that opens entirely to a large chatzer?
3. When does nine plus one not equal ten?
4. Why did Abaye disagree with one of the applications cited by Rabbah, R' Zeira and Rabbah bar R' Chanan?

HALACHAH Highlight

A Beis HaKnesses that widens in the middle

חצר גדולה שנפרצה לקטנה

A large chatzer that is breached to a smaller one

The Gemara discusses the case of a small chatzer that opens to a large chatzer in the context of many different halachos. One of those contexts is forming a minyan when some people are in the large chatzer and others are in the small chatzer. The basic halachah is that if the small chatzer is breached entirely to the large chatzer the two chatzeiros are considered merged, but if not they each retain their independent identity. Regarding the issue with forming a minyan, Rishonim ask why it makes a difference where the people are located. The Gemara in Pesachim (85a) teaches that even an iron wall does not constitute a barrier between the Jewish People and Hashem. Accordingly, even the two groups are separated by an actual wall they should be considered a minyan. Additionally, the Gemara in Rosh Hashanah (27b) teaches that one who walks past a shul and hears the shofar blast or the reading of the megilla and has in mind to fulfill his obligation, he fulfills his obligation and the

presence of a wall has no effect on his fulfillment of the mitzvah. Tosafos¹ explains that our Gemara is focused on forming a minyan and ten people cannot constitute a minyan unless they are in what is considered a single domain. However, once a minyan is formed others can join that minyan and answer *devarim she'b'kedusha* even if they are not in the same domain of the minyan, and even an iron wall will not constitute a separation.

Shulchan Aruch HaRav² adds an additional requirement when a small chatzer opens to a large chatzer. He maintains that the side walls of the small chatzer must enter the large chatzer and they must be at least three tefachim from the side walls of the larger chatzer. Teshuvos Minchas Yitzchok³ was asked about a Beis HaKnesses in which the front of the sanctuary was narrow and the back half of the sanctuary was wide. Seemingly according to Shulchan Aruch HaRav they should not be considered a single chatzer. He answered that the guidelines established in our Gemara refer to domains that are different and the question is whether they can be combined. If two parts of a single room contain different widths it remains a single room and all of the people in that room combine for the purpose of creating a minyan. ■

¹ תוס' ד"ה תשעה.

² שו"ע הרב סי' נ"ה סעי' כ'.

³ שו"ת מנחת יצחק ח"ד סי' ט'. ■

Distinctive INSIGHT

The role of the שליח ציבור, and davening in the hall at a crowded minyan

ציבור בגדולה ושליח ציבור בקטנה יוצאין ידי חובתן, ציבור בקטנה וש"ץ בגדולה אין יוצאין ידי חובתן. תשעה בגדולה ויחיד בקטנה מצטרפין

The Gemara presents several scenarios where a group is davening in one room, and the leader is in an adjacent room. In the case where the group is in the larger room and the leader is in the smaller room, the leader is drawn after the group, and they all fulfill their obligation. However, when the leader is in the larger room and the group is in the smaller room, they do not fulfill their obligation, because we do not say that they are drawn after him, because we do not say that the larger amount of people follows the individual.

שו"ת גינת ורדים (O.C. 1:20) points out that the role of שליח ציבור is essential in that he leads the community in the davening, and the members of the minyan can

fulfill their obligations by listening intently and responding to his prayers. Yet, the community members are the principal element of the minyan, and the שליח ציבור follows them in terms of establishing the place where the minyan is taking place. In this regard, he is just as any other individual, and he is "just one of the crowd."

In fact, the very title "שליח ציבור" indicates that, after all, he is just the messenger of the community. We must remember that it is the community that is davening, and he is simply a representative who is appointed by them to lead. His actions and words must be pleasing and desirable to the people who send him, and if he deviates from his mission, his authority is revoked.

It is common that a minyan overflows beyond the capacity of the room where the davening is taking place. When this happens, many people end up davening in the hall adjacent to the main room. The people who came to daven mincha in a small room in the yeshiva of R' Yosef Dov

Soloveitchik, zt"l, were faced with this problem, and they asked the Rosh HaYeshiva whether those in the hall fulfill their obligation to daven with a minyan. They knew that they were able to respond to kaddish, kedushah and barchu, for once a minyan is present in the main room, "even a iron wall cannot separate between the Jews and their Father in Heaven." (see Shulchan Aruch O.C. 55:20). It was also clear that in order to establish a minyan in the first place, all ten people have to be in the same room. The question was whether this overflow crowd fulfilled their obligation of davening with a minyan.

R' Y.D. Soloveichik thought for a moment, and then told them that it makes sense that they need not crush together in the small beis midrash, and as long as they could hear the repetition of the shemone esrei properly, they fulfilled their obligation fully.

This is the ruling cited in Aruch HaShulchan (O.C. 55:23). Also see Mishna Berura (55:23) and Beur Halachah there. ■

