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May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rava said: Water lying upon water - that is its natural rest; a nut upon water, that (*since it moves about*) is not its natural rest (*and one would not be liable for 'lifting' the nut from the water*).

Rava inquired: If a nut lies in a vessel, and the vessel floats on water (*and someone lifted the nut and placed it down*), do we follow the nut, which is at rest (*in the vessel, and therefore, he is liable*), or do we follow the vessel, which is not at rest, since it is moving about in the water? The *Gemora* leaves this question unresolved.

The *Gemora* notes: In respect to oil floating upon wine, Rabbi Yochanan ben Nuri and the Rabbis disagree, for we learned in a *Mishna*: If oil is floating upon wine and a *tevil yom* (*one who was tamei, but has immersed himself in a mikvah; he is considered a tevil yom until nightfall*) touches the oil, he disqualifies the oil only. Rabbi Yochanan ben Nuri said: Both are connected to each other (*and they both become disqualified*).

Abaye said: If one throws a mat into a pit that is in a public domain that is ten *tefachim* deep and eight *tefachim* wide, he is liable, as he has transferred an object from a public domain to a private domain. If, however, by throwing the mat into the pit, the pit is now split into two pits, and neither pit is four *tefachim* wide, he is exempt, because he has not thrown a mat into a private domain.

The *Gemora* notes: Now according to Abaye, who is certain that the mat nullifies the partition, a segment (*of*

*earth, which was R' Yochanan's inquiry above*) certainly nullifies the partition (*for he is most definitely abandoning it*), but according to Rabbi Yochanan who inquires regarding a segment (*of earth*), a mat certainly does not nullify the partition.

And Abaye said: If one throws an object into a pit that is in a public domain and the pit is ten *tefachim* deep and four *tefachim* wide and full of water, he is liable for transferring on *Shabbos*, because the pit is still rendered a private domain, despite the water in the pit. This is because water does not remove the partition, as the water in the pit is normal. If one threw an object into a similar pit that was filled with produce, however, he is exempt, because the produce in the pit removes the partition, and it is considered as if the pit is filled with dirt.

The *Gemora* cites a *braisa* which supports this: If one throws (*an object*) from the sea into a highway, or from a highway into the sea, he is not liable (*for the sea is regarded as a karmelis*). Rabbi Shimon said: If there is in the place where he throws it (*a depression*) ten deep and four wide, he is liable.

If one throws (*an object*) four *amos* on to a (*side of a*) wall above ten *tefachim*, it is as though he throws it into the air (*and he is not liable; this is because an area higher than ten tefachim from the ground in a public domain is not considered a public domain, but rather, it is a place of exemption*); if it is below ten, it is as though he throws it on to the ground (*and he is liable*), and he who throws



(an object) four amos along the ground (that it lands four amos away) is liable.

The Gemora asks: Why is it as though he threw it on the ground; surely it does not rest there (but rather, it must rebound off the wall somewhat, and the final distance would be less than the four amos that is the least for which a penalty is incurred)?

Rabbi Yochanan answers: This refers to a plump fig (which will adhere to the wall, and not bounce back).

Rav Yehudah said in the name of Rav who said in the name of Rabbi Chiya: If one throws (an object) above ten tefachim, and it goes and lands in a crevice of a very small size, we come to a dispute between Rabbi Meir and the Rabbis, for Rabbi Meir holds that (where the wall is four tefachim thick) we (imaginarily) carve it out to complete it (and we regard the small crevice as being enlarged to four tefachim square, and liability is incurred), while the Rabbis maintain that we do not carve it out to complete it.

The Gemora cites a braisa which supports this: If one throws (an object) above ten and it goes and lands in a crevice of any size, Rabbi Meir declares him liable. whereas the Sages exempt him.

Rav Yehudah said in the name of Rav: If a (sloping) mound attains (a height of) ten (tefachim) within (a distance of) four (tefachim), and one throws (an object from a public domain) and it lands on top of it, he is liable. [This is because the slope is too steep to be negotiated in one's ordinary stride, and the top is therefore regarded as a private domain.

The Gemora cites a braisa which supports this: If a mavoi (an alley, where the courtyards of houses are opened into it, and it is surrounded by courtyards on three sides) is level within (the entire area), but slopes downward towards the public domain, or is level with the public

domain, but slopes downward (towards the back wall), that mavoi requires neither a lechi (a post) nor a korah (crossbeam). [The Rabbis decreed that one cannot carry in a mavoi unless it is enclosed on the fourth side with a lechi or a korah. In this case it is not necessary, for the slope leading to or away from the public domain serves as a partition on the fourth side.] Rabbi Chanina ben Gamliel said: If a (sloping) mound attains (a height of) ten (tefachim) within (a distance of) four (tefachim), and one throws (an object from a public domain) and it lands on top of it, he is liable.

If one throws (an object) within four amos but it rolls (due to the wind) beyond four amos, he is not liable; beyond four amos but it rolls within four amos, he is liable.

The Gemora asks: [Why is he liable when he intended to throw it beyond four amos, but it rolled to within four?]  
But it did not rest (beyond four amos)?

Rabbi Yochanan said: This is providing that it rests (beyond four amos) momentarily on something, whatever its size. [The same holds true if the wind keeps it stationary for a moment within three tefachim of the ground using the principle of lavud.]

The Gemora notes that it was taught likewise in a braisa: If one throws (an object) beyond four amos, but the wind drives it back so it is within four amos, even if it carries it out again, he is not liable; if, however, the wind holds it for even one moment, even if it carries it in again, he is liable.

Raba said: An object brought within three (tefachim) must, according to the Rabbis, rest upon something, however small. [The reference is to the Rabbis' view that an object caught up in the air is not regarded as at rest, in contrast to Rabbi Akiva's ruling that it is as at rest.] Rava states that the Rabbis hold thus even if the object comes within three tefachim of the ground: it must actually land



upon something, otherwise, it is not regarded as having been placed down.]

The *Gemora* relates: Mereimar sat and reported this statement. Ravina said to Mereimar: Can this not be deduced from our *Mishna* (where we learned that if one throws (an object) within four amos but it rolls (due to the wind) within four amos, he is liable; and we had asked: Why is he liable when he intended to throw it beyond four amos, but it rolled to within four? But it did not rest beyond four amos?), and Rabbi Yochanan answered: Providing that it rests on something, whatever its size? [Now, could he not have answered that it passed within three tefachim of the ground, and it is regarded as if it rested? Evidently, it is only regarded as being at rest if it stopped for a moment. Isn't Rava teaching us then what we already know from R' Yochanan?]

The *Gemora* answers: The *Mishna* referred to a rolling object, and a rolling object is not destined to rest (and therefore it is not regarded as being at rest even if it passes within three tefachim of the ground); but this (in Rava's case), since it is destined to rest, I might think that although it did not come to rest, it is as though it had rested; therefore he informs us that it is not so.

If one throws an object over a distance of four amos in the sea, he is not liable. If there is a small pool of water and a public road traverses it, if one throws (an object) four amos in it, he is liable (for, in this case, the water is not a *karmelis*, but a public domain). And what depth constitutes a pool (that it is still regarded as a public domain)? As long as it is less than ten tefachim. And if there is a small pool of water traversed by a public road, and one throws (an object) four amos in it he is liable.

One of the Rabbis said to Rava: Now, as for mentioning 'traversing' twice, it is understood. [The *Mishna* could have simply said (in the second clause) that a pool of water in a public domain is regarded as a public domain; why did it need to state that the public road traverses it?]

for it is coming to teach us that a passage under difficulties is (nevertheless) regarded as a (public) passage, whereas (by implication) usage under difficulties is not regarded as a (public) usage. But why is it necessary to state this 'small pool' twice?

Rava answers: It is well, for one refers to summer and the other to winter (and yet, it is always regarded as a public domain), and both are necessary. For if we were informed this regarding the summer season, it might have been said that the reason it is so (that the water is regarded as a public domain) is because it is usual for people to cool themselves (and the public would have no concern for walking in that pool, and getting wet), but in the winter, I would say that it is not so. And if we were informed this regarding the winter season, it might have been said that the reason it is so (that the water is regarded as a public domain) is because since people are dirty (from the mud anyway), it may happen that they go down (into the pool), but in the summer, I would say that it is not so; therefore, both are necessary.

Abaye answered: They are necessary: I might argue, as follows: That is only where it (the pool) is not four amos (across); but where it is four amos (across), one goes round it. [The *Mishna* teaches us that even if it is four amos across, it is still regarded as a public domain.]

Rav Ashi said: They are necessary: I might argue, as follows: That is only where it (the pool) is four (across); but where it is not four, one steps over it. [The *Mishna* teaches us that even if it is less than four tefachim across, it is still regarded as a public domain.]

The *Gemora* notes that Rav Ashi is consistent with his opinion, for Rav Ashi said: If one throws (an object) and it lands on the plank of a landing bridge, he is liable, since many pass across it.



**One who throws an object from the sea to dry land, from dry land to the sea, from the sea to a ship, from a ship to the sea, or from one ship to another, is exempt.**

A sea is a karmelis, so where one transfers an object to or from dry land, i.e. a public domain, to the ship, or to or from a private domain, i.e. a ship, he is not liable for transferring on Shabbos. Transferring from one ship to another is merely transferring from one private domain to another and he is exempt.

**There is a dispute regarding the procedure for one to fill water from the sea and transfer the water to a ship on Shabbos.**

One opinion maintains that by extending a small protrusion from the ship, one can fill a bucket of water from the sea and bring it on the ship. The reasoning for this is that we measure the ten *tefachim* of the karmelis, i.e. the sea, from the bottom of the sea, and the air above ten *tefachim* is rendered a *makom petur*, an exempt airspace. One is thus permitted to take the water from the exempt airspace onto the ship. Due to the fact that an observer might view this transfer as forbidden because the observer will assume that the water is less than ten *tefachim* deep and constitutes a karmelis, the Chachamim required that one extend the protrusion from the ship as a sign that one ordinarily may not transfer from a karmelis to a private domain. The second opinion maintains that in order to bring the water onto the ship, one must create a frame of four walls four *tefachim* by four *tefachim* wide over the water, and then fill the bucket of water and bring it onto the ship. The reasoning for this is that this opinion maintains that we measure the ten *tefachim* of the karmelis, i.e. the sea, from the surface of the water, as the entire sea is considered like thick ground, and is rendered the status of a karmelis. Without this enclosed area of four *tefachim* above the water, transferring the water from the sea to the ship is considered transferring from a karmelis to a private domain that is forbidden on Shabbos. Creating the

enclosure over the ship renders the sea beneath the enclosure a private domain, and now he is transferring from a private domain to another.

**The Chachamim did not enact a decree prohibiting one to transfer an object through one's force in a karmelis.**

According to the opinion that one creates an enclosure of four *tefachim* by four *tefachim* over the side of the ship in order to be allowed to draw water from the sea to the ship on Shabbos, the *Gemora* wonders what one does with the waste water on the ship. Pouring it directly into the sea is forbidden, because then one is transferring from a private domain to a karmelis. Pouring out the waste water in the enclosed four *tefachim* by four-*tefachim* area is not an option because this would make the water being drawn from the sea repulsive. One is permitted to pour out the water over the side of the ship and let the water run into the sea. Although the person's force is causing the waste water to run into the sea, the Chachamim did not prohibit one to use his force to transfer something indirectly from a biblical domain to a karmelis.

## INSIGHTS TO THE DAF

### ***"Fruits and the Pits"***

The *Gemora* states that if one threw an object into a pit in a public domain and the pit were filled with produce, he is exempt because the produce fills the pit and the pit is not considered a private domain, as the pit is no longer ten *tefachim* deep.

Tosfos wonders why this case of the produce in the pit is different from the case of the person who threw a sticky fig and the fig struck the wall below ten *tefachim*. Regarding the sticky fig the *Gemora* stated that since the thrower did not abandon the fig on the wall, the fig is not considered part of the wall and does not diminish the

distance thrown of four Amos. Why, then, do we not say that the person has not abandoned the produce and the pit should still be rendered a private domain?

Tosfos answers that produce left in a pit for a long period is considered abandoned.

Tosfos suggests further that a sticky fig is small and is not considered abandoned. When a pit is filled with produce, however, although the produce has not been abandoned, the produce still negates the partition and the pit is no longer considered a private domain.

The Ramban and other Rishonim maintain that the reason the pit is no longer considered a private domain is because the produce prevents one from viewing the walls of the pit, and when one throws the object into the pit, it is not considered that he is throwing the object into a private domain. Water in a pit, however, does not prevent one from seeing the walls of the pit, and when one throws an object into a pit filled with water, he is till liable.

## DAILY MASHAL

### ***'Moshe' throughout the Generations***

The *Gemora* states that Rav Safra said to Rava: Moshe, have you then spoken well? Rashi explains that Rav Safra referred to Rava by the name Moshe to demonstrate that Rav Safra held Rava in such high esteem that Rava was as great as Moshe was in his time.

The Netziv<sup>1</sup> writes regarding the verse<sup>2</sup> *Moshe yedaber v'hElokim yanenu bekol*, Moshe would speak and Hashem would respond to him with a voice, that the exile and the signs that forewarned of the Jewish People being persecuted were actually the catalysts for the

strengthening of the study of the Oral Law. Although it is beyond human comprehension why the suffering of the exiles should be a prerequisite for increase in Torah study, Hashem demonstrated at Sinai that this would be the case. The voice of Hashem emanated from the smoke surrounding Mount Sinai, and the smoke symbolizes the darkness of exile. Thus, the voice of Hashem alludes to the voice of the Torah that emanates from the darkness of exile.

The *Gemora*<sup>3</sup> states that Moshe taught all the Jewish People the Mishnah, i.e. the Oral Law, and Aharon and his sons also taught the nation.

The Netziv suggests that this statement of the *Gemora* is hinted to in the words *Moshe yedaber*, Moshe would speak, as Aharon and all the teachers of future generations are included in the word 'Moshe,' because all the teachers have strengthened the study of the Oral Law throughout the darkness and suffering of the exiles.

<sup>1</sup> Haemek Davar Shemos 19:19

<sup>2</sup> Ibid

<sup>3</sup> Eiruvim 54b