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There is a dispute whether we view two changes in a rock to be considered acceptable as a double-post.

Abaye asked Rabbah a question regarding a mound of earth that rises to a height of ten *tefachim* within four *amos* of its slope, do we view it as a double-post, because its measurements are similar to a double-post, or since it does not have the right angle shape of a double-post, we do not view it a s a double post.

Rabbah answered Abaye that Rabbi Shimon ben Elozar maintains that if instead of the double-posts there was a square rock, we view the rock as if it were divided, and it would be an *amah* on each side, giving it the shape of a right angle and it would be like a double-post. If there would be less than an *amah* on each side after dividing the rock, then it would not be considered a double-post. Rabbi Yishmael the son of Rabbi Yochanan ben Berokah maintains that if there was a round rock instead of a double-post, we view the rock as if it was carved into a square shape and when split and has the shape of a right angle, it would be an *amah* on each side and viewed as a double-post. If the rock had less than an *amah* on each side after being divided, we would not view the rock as double-post.

Rabbah explains that Rabbi Shimon ben Elozar maintains that we view one variation of the rock to allow it to be used as a double-post, but we cannot allow two imaginary changes in the rock to make it valid as a double-post. A square rock only requires one "viewing" and a round rock requires tow "viewings." Rabbi Yishmael, however, is of the opinion that we can view two changes in the rock to validate the rock as a double-post, so even a round rock that requires two "viewings," would be considered valid as double-posts. (19b)

There are two types of fences and two types of trees.

Abaye asked Rabbah if a partition of reeds less than three *tefachim* from each other is considered a double-post or not.

Rabbah quoted a *braisa* that states that if there was a tree, a fence, or a partition of reeds instead of a double-post, they are considered to be acceptable as double-posts. Rabbah assumed that the reeds were less than three *tefachim* from each other.

The *Gemora* rejects this proof because perhaps the *braisa* refers to *gudrisa*, a bunch of reeds that are attached to one trunk in the ground and sprout out, giving the appearance of separate reeds. If this is the case, then reeds are the same as a tree, and if the reeds are indeed separate reeds spaced lees than three *tefachim* from each other, then reeds and a fence are the same.

The *Gemora* concludes that there are two types of fences, i.e., a regular fence and a fence of reeds, and there are two types of trees, i.e., a regular tree and a hedge of reeds. (19b)

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L'zecher Nishmas HaRav Raphael Dov ben HaRav Yosef Yechezkel Marcus O"H

If the end of the *chatzer* – courtyard, enters the area between the boards, it is permitted to carry from the *chatzer* to the area between the boards and from the area between the boards into the *chatzer*.

Abaye asked Rabbah regarding the end of a *chatzer* that enters into the area within the boards, can one carry from the *chatzer* into the area between the posts and can one carry from the area between the posts into the *chatzer*? It would seem that the *chatzer* and the enclosed well are two different domains, as they have different owners.

Rabbah responded that it is permitted to carry from the *chatzer* to the enclosed well and vice versa because pilgrims who used the well on the festivals were not residents of the enclosure. (20a)

There is a dispute regarding carrying between the *chatzeiros* and the well area if two *chatzeiros* open into the well enclosure.

Abaye queried Rabbah regarding two *chatzeiros* that open to the enclosure around the well, if one can carry between the *chatzeiros* and the enclosure. [*The reason to prohibit carrying is because the wells are owned by residents of both chatzeiros, and therefore carrying should be forbidden. The reason to permit carrying is because in reality the residents of both chatzeiros are not really resident of the enclosed well area, for it is opened on all sides, and regarded as a public area.*]

Rabbah responded that it is forbidden to carry from the *chatzeiros* to the well area and vice versa.

Rav Huna added that this is prohibited even if the residents of both *chatzeiros* made an *eiruvei chatzeiros*, which normally allows residents of different *chatzeiros* to carry from one *chatzer* to another. Here an *eiruvei chatzeiros* will not be effective, because people may say that an *eiruv* functions between two *chatzeiros* that can only be accessed through the area of the enclosure. [*An observer will think that an eiruv functions even without the opening, as an observer will not be are that there is a direct opening between the chatzeiros.*]

Rava disagrees with Rav Huna and Rava maintains that if the two *chatzeiros* are joined together with an *eiruvei chatzeiros*, one can carry between the *chatzeiros* and the enclosure of the well area.

Abaye quotes a *braisa* that supports Rava's opinion, but Rav Huna maintains that the *braisa* refers to a case where there is an opening in the middle of the wall allowing access from one *chatzer* to another, and the two *chatzeiros* were also joined by a large space at the end of the wall, entering into the well area. [*An observer will notice this gap and will realize that residents of both chatzeiros have access to each other.*] (20a)

One cannot carry within the area around the well of the water that dried up on *Shabbos*.

Abaye asked Rabbah: What is the *halachah* if the water that was in the water hole dried up on *Shabbos*; can one still carry within the well enclosure? [*Although the well enclosure is a leniency and once there is no water the leniency should no longer apply, perhaps we apply the principle of ho'il v'hutrah hutrah, once a leniency is in place at the onset of Shabbos, the leniency remains in effect the entire Shabbos.*]

Rabbah responded that the partition only functions for the purpose of the water. If there is no longer any water, then the partition is nullified. [*The rule of ho'il v'hutrah hutrah will not apply any longer because the partitions are no longer valid.*]

If the water dried up on *Shabbos* and then returned on the same *Shabbos*, it is permitted to carry, because although the return of the water re-validated the partitions and the partition was made on *Shabbos*, a

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braisa states that a partition made on *Shabbos*, intentionally or unintentionally, is considered a valid partition.

The *Gemora* asks: But has it not been stated in connection with this ruling that Rav Nachman said that this applied to throwing only (*and one would be liable for throwing an object from a public domain into an area enclosed by these partitions*), but not to carrying (*and one is forbidden to carry inside an area enclosed by these partitions*)?

The *Gemora* answers: Rav Nachman's statement was only made in respect of a partition that was erected intentionally. [*In such a case, one is still forbidden to carry; however, if partitions were erected on Shabbos – unintentionally, one is permitted to carry inside of them.*] (20a)

One who throws something from a public domain into the area where the boards for the well are, is liable a chatas offering for transgressing the Shabbos.

Rabbi Elozar said: One who throws an object (*from a public domain*) into the area between the *pasei bira'os* (*the boards of wood around wells*) is liable (*because the area is regarded as a properly constituted private domain*).

The *Gemora* asks: Is this not obvious, for if it is not a valid partition, how could it have been permitted to draw water?

The *Gemora* answers: It was necessary to state this ruling only for the following case: A man, who erected in a public domain an enclosure similar to that of the *pasei bira'os*, and threw an object into it, is liable.

The *Gemora* asks: But is this not also obvious, for if elsewhere (*not by a well*), it would not be regarded as a valid partition, how could one be permitted to carry any objects there in the case of a well?

The *Gemora* answers: It was necessary to state this ruling for a case where many people travel through the enclosure (*and nevertheless, it is regarded as a private domain*).

The *Gemora* asks: What novelty is he teaching us? Is he teaching us that even the travel of many people through it does not nullify the validity of a partition? Was this not already once said by Rabbi Elozar, for we learned in a *Mishna*: Rabbi Yehudah said: If the public thoroughfare interposes between the posts, he must divert it (*the thoroughfare*) to the side, but the Sages maintain that it is unnecessary. [*R' Yehudah maintains that if an actual public thoroughfare runs between these boards, it destroys its character as a private domain and makes it a public domain in spite of the boards, and therefore, the thoroughfare must be diverted.*] And both Rabbi Yochanan and Rabbi Elozar remarked: Here they informed you of the power of partitions! [*They taught us that the crossing by many people through the area does not invalidate the partitions. Why then should R' Elozar repeat the same principle here?*]

The *Gemora* answers: If the principle had to be derived from there, it might have been presumed that here (*they informed us etc.*), but that he himself is not of the same opinion; therefore we were told that here (*they informed us etc.*), and that he himself is of the same opinion as well.

The *Gemora* asks: Then why didn't he state this ruling here and there would have been no need for the other statement?

The *Gemora* answers: One was derived from the other. [*He stated the one here, and his students stated in his name how the Sages teach us the power of these partitions*.]

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The *Mishna* had stated: It is permitted to bring the posts close to the well [*provided that a cow can be within the enclosure with its head and the greater part of its body when drinking*].

The *Gemora* cites a *Mishna* taught elsewhere: One must not stand in a private domain and (*bend forward and*) drink in a public domain, or stand in a public domain and (*bend forward and*) drink in a private domain (*lest he draw the drinking cup to himself, thus transferring an object from one domain to another*), but if he inserts his head and the greater part of his body into the place where he drinks, it is permitted; and the same applies to a winepress.

The *Gemora* inquires: Now in the case of a person, it is necessary for his head and the greater part of his body (*to be in the domain from which he drinks*); would it be necessary in the case of a cow as well that its head and the greater part of its body (*shall be in the domain from which it drinks*), or not?

The *Gemora* explains: Wherever the fellow (*giving the animal to drink*) holds the (*water*) vessel and does not hold the animal (*so the animal may turn its head into the public domain*), there can be no question that it is necessary for its head and the greater part of its body to be inside (*the private domain, for otherwise, it might pull its head into the public domain and cause the man to inadvertently carry the vessel into the public domain*). The question arises only where he holds the vessel and also the animal. Now what is the ruling?

The other replied: You have learned (*the answer to resolve*) it from our *Mishna*: Provided that a cow can be within the enclosure with its head and the greater part of its body when drinking. Does this not refer to a case where the fellow is holding both the cow and the vessel (*and nevertheless, it is permitted only if the animal's head and the greater part of its body is inside the enclosure while drinking*)?

The *Gemora* disagrees with the proof: No; it may refer to a case where he is holding the vessel but not the cow.

The *Gemora* asks: But is it at all permitted to give an animal to drink on the *Shabbos* where one holds the vessel and not the animal? Was it not in fact taught in a *braisa*: A man must not draw water and hold it before his animal (*to drink*) on the *Shabbos*, but he draws water and pours it out (*into a trough*) and the animal drinks of its own accord?

The *Gemora* answers: Surely, in connection with this ruling it was stated: Abaye explained: Here we are dealing with a trough that stands in a public domain, and one that is ten *tefachim* high and four *tefachim* wide (*making it into a private domain, one where it would be permitted to carry on top of it*), and one of its sides projects into the area between the *pasei bira'os*. [*Normally, one may stand in a public domain and move an object in a private domain; here, it is forbidden to draw water from the well, carry it over the side of the trough by the well, and walk towards his animal located on the other side. He may, however, draw the water, and pour it into the side of the trough which is inside the enclosure, and the water will flow by itself to the other side.*] It is forbidden as a preventive measure, for perhaps the man might observe that the trough was damaged, and he will proceed to repair it while he is carrying the bucket with him. It would emerge that he is carrying an object from a private domain into a public domain.

The *Gemora* asks: But would one be liable in such circumstances? Hasn't Rav Safra said in the name of Rabbi Ami, who said it in the name of Rabbi Yochanan: If one is moving articles from corner to corner (*in a private domain, and he has no intention of taking them out into a public domain*), and then he changes his mind and carries them out, he is exempt, because his original lifting was not for this purpose?

The *Gemora* answers: Rather, the explanation is as follows: Perhaps (*he will place the bucket down, and*) he might repair the trough, (*pick it back up and*) and place it (*on*

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the trough). It would emerge that he is carrying an object from a public domain into a private domain.

There were those who said: In the case of a person, it was said that it was enough if his head and the greater part of his body (*were in the domain from which he drinks*). Is it enough, however, in the case of a cow, that its head and the greater part of its body (*should be in the domain from which it drinks*), or not?

The *Gemora* explains: Wherever the fellow (*giving the animal to drink*) holds the (*water*) vessel and holds the animal (*so the animal cannot turn its head into the public domain*), there can be no question that it is sufficient for its head and the greater part of its body to be inside (*the private domain, for then it cannot pull its head into the public domain and cause the man to inadvertently carry the vessel into the public domain*). The question arises only where he holds the vessel but he is not holding the animal. Now what is the ruling?

The other replied: You have learned (*the answer to resolve*) it from our *Mishna*: Provided that a cow can be within the enclosure with its head and the greater part of its body when drinking. Does this not refer to a case where the fellow is holding the vessel but he is not holding the animal (*and nevertheless, it is permitted if the animal's head and the greater part of its body is inside the enclosure while drinking*)?

The *Gemora* disagrees with the proof: No; it may refer to a case where he is holding the vessel and the animal as well.

The *Gemora* notes that this is the reasonable explanation, for if he is holding the vessel but not the animal; would it be at all permitted to give an animal to drink on the *Shabbos* (*in such a circumstance*)? Was it not in fact taught in a *braisa*: A man must not draw water and hold it before his animal (*to drink*) on the *Shabbos*, but he draws water and pours it out (*into a trough*) and the animal drinks of its own accord?

The *Gemora* disagrees: Surely, in connection with this ruling it was stated: Abaye explained: Here we are dealing with a trough that stands in a public domain, and one that is ten *tefachim* high and four *tefachim* wide (*making it into a private domain, one where it would be permitted to carry on top of it*), and one of its sides projects into the area between the *pasei bira'os*. [*Normally, one may stand in a public domain and move an object in a private domain; here, it is forbidden to draw water from the well, carry it over the side of the trough by the well, and walk towards his animal located on the other side. He may, however, draw the water, and pour it into the side of the trough which is inside the enclosure, and the water will flow by itself to the other side.*] It is forbidden as a preventive measure, for perhaps the man might observe that the trough was damaged, and he will proceed to repair it while he is carrying the bucket with him. It would emerge that he is carrying an object from a private domain into a public domain.

The *Gemora* asks: But would one be liable in such circumstances? Hasn't Rav Safra said in the name of Rabbi Ami, who said it in the name of Rabbi Yochanan: If one is moving articles from corner to corner (*in a private domain, and he has no intention of taking them out into a public domain*), and then he changes his mind and carries them out, he is exempt, because his original lifting was not for this purpose?

The *Gemora* answers: Rather, the explanation is as follows: Perhaps (*he will place the bucket down, and*) he might repair the trough, (*pick it back up and*) and place it (*on the trough*). It would emerge that he is carrying an object from a public domain into a private domain.

The *Gemora* cites a *braisa* in an attempt to resolve (*the first version of*) the inquiry: If a camel's head and the greater part of its body is inside (*a well enclosure*), it may be stuffed with food. Now isn't the act of stuffing the same as holding the bucket and the animal (*since it is*

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impossible to stuff it unless one holds the animal's neck), and yet it is required that its head and the greater part of its body (s*hall be within the enclosure*).

Rav Acha the son of Rav Huna replied in the name of Rav Sheishes: A camel is different since its neck is long. [*If the greater part of its body were to remain in the public domain it might, by a turn of its neck, reach the public domain, and thus cause him to carry the bucket from the private domain into the public domain. In the case of any other animal, however, whose neck is not so long, this is not a concern, and one may be permitted to hold the bucket though the greater part of the animal's body remained outside the private domain.*]

The *Gemora* cites a *braisa* in an attempt to resolve (*the first version of*) the inquiry: An animal whose head and the greater part of its body is inside (*a well enclosure*), may be stuffed with food inside (*that domain*). Now isn't the act of stuffing the same as holding the bucket and the animal (*since it is impossible to stuff it unless one holds the animal's neck*), and yet it is required that its head and the greater part of its body (s*hall be within the enclosure*).

The *Gemora* objects to the proof, for perhaps when the *braisa* stated 'animal,' it meant a camel.

The *Gemora* questions that suggestion: Were not, however, both camel and animal separately mentioned (*in two braisos*)?

The *Gemora* defends its answer: Were they (*both braisos*) taught together? [*They were not! The Tanna of one braisa did not teach the other, and what one described as camel, the other described by the general term of 'animal.'*]

The *Gemora* cites a *braisa* in support of this explanation: Rabbi Elozar forbids this (*stuffing an animal with food*) in the case of a camel, because its neck is long. (19b – 20b)

INSIGHTS TO THE DAF

Pasei Bira'os

Rav Huna says that if there are two yards that have a wall with a door separating them, and both go into the *pasei bira'os*, they cannot carry into the *pasei bira'os* even if they make an *eiruv* with each other.

Rashi explains that this is because the person who sees this situation will think that the "opening" between the two yards is the fact that they both share an opening into the *pasei bira'os*, and that they had placed their *eiruv* within the *pasei bira'os*.

Rashi adds another point. He says that people will perhaps think that they did a *shituf mevo'os* (*a device that allows carrying between a courtyard and a mavoi, which is accomplished by the courtyards mutual contribution of food*). In other words, just like two yards can combine to permit the alleyway they are both attached to by putting a *shituf* in one of their yards, so too these people must have done a *shituf* to permit carrying in the *pasei bira'os*. This is erroneous, as people will come to think that Chazal permitted people to make a *shituf* in an alleyway that is not closed on three sides whose length is longer than its width. A *pasei bira'os* is open on all four of its sides.

The Keren Orah does not see Rashi's explanation in the *Gemora's* words, "*shema yomru eiruv mo'il l'bein ha'paseim*" -- "perhaps they will say that an *eiruv* helps between the *paseim*." If Rashi's explanation was correct, he says, it should say "*nesinan eiruv mo'il*."

He therefore understands that Rav Huna is saying that people might think that carrying is allowed for the people of these yards within the *pasei bira'os* for any purpose, even not to give their animals water.

Building a Sukkah on Pasei Bira'os

By: Meoros HaDaf HaYomi

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This chapter begins with a discussion of the leniencies our Sages extended to travelers who would visit Yerushalayim for *Aliyas HaRegel,* three times each year.

Water pits were dug along the path to Yerushalayim, to serve the needs of the travelers and their animals. On *Shabbos*, however, they were faced with the problem of how to draw water out of the pits. Since the pits were at least ten *tefachim* deep and four *tefachim* wide, they were considered a *reshus hayachid*. The area around them was a *reshus harabim*. Therefore, it was impossible to draw water out on *Shabbos*.

In order to alleviate this problem, our Sages instituted a leniency of *"pasei bira'os*," which literally means the "posts around the water-pits." In order to create a makeshift *reshus hayachid* in the area surrounding the pit, they sufficed with four corner piece posts, shaped like the letter L, in the four corners surrounding the pit. Generally, this is not sufficient to create a *reshus hayachid*, however for the sake of the travelers performing the *mitzvah* of *Aliyas HaRegel,* our Sages were lenient.

This leniency is not cited in Shulchan Aruch, since as we have said – it applies only to travelers visiting Yerushalayim for *Aliyas HaRegel*. Nevertheless, on one day each year, *Shabbos* of Sukkos, the *halachah* of *pasei bira'os* is relevant.

In Maseches Sukkah (7a), the *Gemora* explains that there are some walls that are kosher for use in a *sukkah*, but do not permit carrying on *Shabbos*. There are other walls which permit carrying on *Shabbos*, but are unfit for a *sukkah*. However, on *Shabbos* of *Sukkos*, the leniencies of *Shabbos*-walls can be applied to *sukkah*- walls, and vice versa.

For example, the *Gemora* rules that if a person places *s'chach* over *pasei bira'os,* it would be unfit for use as a *sukkah* for the entire week of *Sukkos*, since a *sukkah* requires two full walls, and a third wall of at least one tefach. However, on *Shabbos* of *Sukkos*, since *pasei bira'os* are kosher walls to allow carrying, they are kosher walls to validate the *sukkah* as well.

The Rishonim debate whether this *sukkah* is kosher on *Shabbos* wherever it is located, or if it must be built around a water-pit, where it actually functions as *pasei bira'os* to permit drawing water (see Shulchan Aruch and Rema O.C. 630:7, Mishna Berura s.k. 34, Biur Halacha s.v. *O'*).

This unique *sukkah* draws a host of *halachic* difficulties. Firstly, R' Shlomo Kluger asks that a *sukkah* is kosher only if it can be used for the entire week of *Sukkos*. If it has some deficiency that enables it to be used only for one day, it is entirely invalid – even for that day (Chochmas Shlomo).

Secondly, the *halachah* rules that *s'chach* must be placed only after the walls are constructed (Rema, O.C. 635). In this case, the *s'chach* is placed before *Shabbos*, but the walls only gain legitimacy on *Shabbos* (see Teshuvos Amudei Or, 39).

Thirdly, on *Yom Tov* one is permitted to carry only for a necessary purpose. One may not carry without any reason (Beitza 12a). R' Akiva Eiger (*sukkahh* 7a) therefore asks that *pasei bira'os* should serve on Yom Tov as well, to allow carrying for no reason. Hence, they should be kosher walls for a *sukkah* on Yom Tov of *Sukkos* as well as *Shabbos*.

B'ezras Hashem, these questions will be answered during the course of our study of Maseches Sukkah.

Building an Eiruv for a Camping Trip

A *reshus hayachid* is defined as an area surrounded by walls. As we have seen over the course of our Masechta, these walls need not be actual physical barriers. The Torah offers us a number of "*halachic*" walls that function

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just as well. For example, by erecting two short posts and running a wire over their top, a *tzuras hapesach* is formed, which takes the place of a wall. If an area is surrounded on all sides by *tzuras hapesach* (*frame of a doorway*), it is considered a *reshus hayachid* in which one may carry, even though in actuality it is wide open.

Based on this ruling, the Rosh asks why our Sages were forced to invent less practical leniencies, to be applied in cases of necessity. For example, above (16b) we learned of an encampment of travelers who are forced to spend *Shabbos* in the desert. In order to carry, they may erect posts around their camp and attach to them three horizontal ropes, which circle the camp. The ropes must be spaced slightly less than three *tefachim* apart, with the top one at a height of ten *tefachim*, the minimum height of a wall. According to the principle of *lavud,* the ropes are considered to form a wall, which render the area inside a *reshus hayachid*. *Lavud* is a *halachah* received by Moshe Rabbeinu on Har Sinai, that the Torah allows us to disregard a gap of less than three *tefachim*, and consider the wall to be complete nonetheless.

The Rosh asks that this procedure seems unduly complicated. The posts and the topmost rope should be considered *tzuras hapesach*, and permit carrying without the bottom two ropes.

The Rosh asks a similar question in regard to our own sugya of *pasei bira'os*. We find in the *Gemora* that *pasei bira'os* are very limited. They only permit one to draw water for the sake of his animals. He may not draw water for himself. Rather, he must climb down into the water pit to drink. Why did our Sages not suggest simply running a wire across the tops of the *pasei bira'os,* thus enclosing the area with *tzuras hapesach,* which permit carrying for any purpose?

***Tzuros hapesach* are effective only in a settled area:** To answer these questions, the Rosh (s. 13) draws the conclusion that *tzuras hapesach* are effective only in an area settled by man for use on a permanent basis. *Tzuros hapesach* may permit carrying in a city, but they cannot permit carrying in an uninhabited area. The two cases cited above refer specifically to uninhabited areas. This distinction is accepted as *halachah* by the Shulchan Aruch (362:10).

The Mishna Berura (ibid, s.k. 56) explains the reason for this distinction: in a settled area, there are many doors and doorways. Therefore, a *tzuras hapesach* can take the place of a doorway, to function as part of a wall – thus creating a *reshus hayachid*. However, in a desert there are usually no doors or doorways to be found. Therefore a *tzuras hapesach,* which is merely the shape of a doorway, is meaningless.

As we have previously discussed, the modern-day *eiruv* is constructed of *tzuras hapesach* that circle the Jewish community. Such an *eiruv* would not be effective on a camping trip, or for soldiers in a temporary desert encampment. However, it is important to note that the Acharonim debate the extent of the Rosh's distinction. Some hold that only *tzuras hapesach* wider than ten *tefachim* (approximately 5.5 meters) are invalid in the desert. This is the opinion accepted by the Mishna Berura (Biur Halacha, ibid). Others hold that *tzuras hapesach* of any size are invalid in the desert (see Chazon Ish O.C. 70:11).

The Rambam's opinion: In previous issues we have discussed various considerations that may make the modern-day *eiruv* questionable. Another consideration is the Rambam's opinion, that no *tzuras hapesach*, even in a city, is kosher if it is wider than ten *tefachim* (Hilchos *Shabbos* 16:16; see Maggid Mishna). Although most Poskim reject this view, the Mishna Berura rules that it is best to heed the Rambam's ruling if possible (ibid, s.k. 59). As we have seen, the modern *eiruv* depends upon the "walls" formed by *tzuras hapesach* that surround the community. Usually, these *tzuras hapesach* are wider than ten *tefachim*.

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