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Eiruvin Daf 87

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o”h

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

Rabbah observed: Rabbi Yehudah and Rabbi Chananya ben Akavya have said practically the same thing.¹ As to Rabbi Yehudah there is the ruling just mentioned. As to Rabbi Chananya ben Akavya, it was taught: Rabbi Chananya ben Akavya ruled: In a balcony² that has an area of four amos by four amos one cuts a hole of four tefachim by four³ and may draw water through it.⁴

Said Abaye to him: Is it not possible that your observation is incorrect? Rabbi Yehudah may have maintained his view there only because he holds the principle that a partition is deemed to extend downwards but not here where it must be deemed to be both bent and extended; and Rabbi Chananya ben

Akavya may have maintained his view there only, in the case of the sea of Tiberias, because it has embankments, towns and karpafs around it⁵ but not in that of other waters. (86b – 87a)

Abaye observed: According to the view of Rabbi Chananya ben Akavya if the balcony was within three tefachim from the wall it is necessary for its length to be four amos and for its width to be eleven amos and a fraction.⁶ If it was upright⁷ it is necessary that its height shall be ten tefachim and its width six tefachim and two fractions.⁸

¹ Both agree that the Shabbos laws in connection with partitions of water are invariably to be relaxed.

² Above the sea.

³ Thus leaving a margin of $24 - 4/2 = 10$ tefachim around it.

⁴ Even though no partition had been put up round the hole. The margin around the hole is deemed to be bent downwards so as to be forming a suspended partition of the required height of ten tefachim and extending downwards into the water, and thus constituting a private domain through which it is permitted to take up the water from the sea into the balcony.

⁵ And is thus distinguished from an ordinary karmelis.

⁶ All air space of less than three tefachim is disregarded (according to the law of lavud) and the balcony may, therefore, be deemed to be close to the wall. By cutting a length of four tefachim to a depth of one tefach and a fraction from the width of the balcony on the side adjacent to the wall so as to leave on either side of its length margins of ten tefachim, the area of the hole would be four tefachim by (three minus a fraction and one and a fraction is) four tefachim, and it would be surrounded on three sides by a border of (eleven tefachim and a fraction minus one tefach and a fraction on the side opposite the wall, and (24

— $4/2$ tefachim on the two sides of the length of the balcony =) ten tefachim and on the fourth side by the wall of the house. The border is regarded as bent and extended downwards and morning with the wall a private domain between the water and the balcony.

⁷ Standing on its width on a projection from the wall at a distance of four tefachim with its length rising vertically upwards.

⁸ So that by imagining one tefach and a fraction of the width on either side to be bent towards the wall there would still remain a width of four tefachim facing that wall, while the air space of four tefachim between the wall and the balcony would be reduced to $(4 - 1 \text{ and a fraction} =)$ less than three tefachim which (by the law of lavud) is disregarded, and the hole, four tefachim by four, is now surrounded by the wall of the house on one side, a partition of four tefachim wide on the opposite side, and two walls virtually four tefachim wide on the other two sides. The three sides of the balcony, which are deemed to stretch downwards to the water, together with the wall of the house thus constitute a private domain through which the water from the sea may be carried up.



Rav Huna son of Rav Yehoshua observed: If a balcony was situated in a corner⁹ it is necessary for its height to be ten tefachim and for its width to be two tefachim and two fractions.¹⁰ With reference, however, to what was taught: Rabbi Chananya ben Akavya ruled: 'In a balcony that has an area of four amos by four he cuts a hole of four tefachim by four and may draw water through it', in what circumstances could this¹¹ be possible?¹² — Where it is constructed in the shape of a mortar.¹³ (87a)

MISHNAH: From a water channel¹⁴ that passes through a courtyard no water may be drawn on the Shabbos¹⁵ unless it was furnished with a partition ten tefachim high at its entrance and exit.¹⁶ Rabbi Yehudah ruled: The wall above it may be regarded as a partition. Rabbi Yehudah observed: it actually happened with the water-channel of Avel¹⁷ that water was drawn from it on the Shabbos on the authority of the Elders.¹⁸ They replied: because it was not of the prescribed size.¹⁹ (87a)

GEMARA: Our Rabbis taught: If it²⁰ was furnished with a partition at its entrance but not at its exit, or if one was

furnished at its exit and none at its entrance, no water may be drawn from it on the Shabbos unless it was furnished with a partition ten tefachim high both at its entrance and at its exit. — Rabbi Yehudah ruled: The wall above it may be regarded as a partition. Rabbi Yehudah observed: It actually happened with the water-channel which flowed from Avel to Tzipori that water was drawn from it on the Shabbos on the authority of the Elders. They replied: Is this proof? [The water was used] because the channel was either less than ten tefachim deep or less than four tefachim wide. (87a)

Elsewhere it was taught: If a water-channel passed between windows, it is permissible to lower a bucket to draw water from it if it was less than three tefachim wide, but if it was three tefachim wide no bucket may be lowered to draw water from it. Rabban Shimon ben Gamliel ruled: If it was less than four tefachim wide a bucket may be lowered into it and water may be drawn from it, but if it was four tefachim wide no bucket may be lowered to draw water from it. Now what are we

⁹ So that two of its sides are formed by the walls of the house.

¹⁰ Placing the balcony, as in the previous case, in an upright position at a distance of four tefachim from one of the walls with its side at a distance of less than three tefachim from the adjacent wall it may be imagined to be bent from top to bottom in the middle towards the wall it was facing and thus closing up all air space of one tefach and a fraction and reducing the distance between it and the wall to less than three tefachim. The space between either wall and the balcony now being less than three tefachim is (by the law of lavud) deemed to be non-existent and a hole of four tefachim by four now remains surrounded on two adjacent sides by the house walls and on the opposite two sides by the imaginary corner piece which, by the law of lavud, constitutes two valid partitions that stretch downwards to the water, all the four sides enclosing a private domain between the balcony and the water.

¹¹ That the balcony should be required to have an area of no less than twenty-four tefachim by twenty-four.

¹² In view of the devices just described, whereby a private domain may be formed even where the balcony was smaller than the prescribed minimum (of ten tefachim by four) for each of its four sides and (four tefachim by four) for the hole.

¹³ When it is self-contained being in the shape of a platform raised on poles above the water and having no wall near it. In such a case no private domain through which the water may be taken up to the platform can be formed unless the balcony is of the size prescribed by Rabbi Chananya ben Akavya which allows for a hole of four tefachim by four in the center and for four sides of ten tefachim by four on its four sides.

¹⁴ Not less than ten tefachim deep and four tefachim wide.

¹⁵ Because it has the status of a karmelis.

¹⁶ From it. The walls of the courtyard under which the channel runs, since they were not originally made for the cannot serve as partitions for it.

¹⁷ A channel that passed through the courtyards of the town. Avel is in the neighborhood of Tzipori.

¹⁸ Which shows that courtyard walls may serve as partitions for a channel passing under them.

¹⁹ It was less than ten tefachim deep or less than four tefachim wide. Such a channel is regarded as part of the private domain through which it passes and requires no partitions at all. Where partitions, however, are required, the courtyard walls cannot serve the purpose.

²⁰ A water-channel passing through a courtyard.

dealing with?²¹ If it be suggested: With the water-channel itself,²² consider the following which Rav Dimi when he came, cited in the name of Rabbi Yochanan: No domain can be regarded as a karmelis if it is less than four tefachim. Did he then make his statement in agreement only with one of the Tannaim's opinions?²³ — No, we are rather dealing with its embankments in respect of exchange.²⁴ But didn't Rav Dimi when he came state in the name of Rabbi Yochanan: On a place whose area is less than four tefachim by four both the people in the public domain and those in the private domain may rearrange their loads, provided they do not exchange them?²⁵ — There it is a case of Biblical domains²⁶ while here we are dealing with Rabbinical domains.²⁷ But didn't Rabbi Yochanan maintain his view even in the case of Rabbinical domains? For we learned: — If between two courtyards there was a wall ten tefachim high and four tefachim thick, two eiruvim may be prepared but not one. If there was fruit on the top of

it, the tenants on either side may climb up and eat there. If a breach to the extent of ten amos was made in the wall, the tenants may prepare two eiruvim or, if they prefer, only one, because it is like a doorway. If the breach was bigger, only one eiruv and not two may be prepared'. And when the question was raised: What is the ruling where it was not four tefachim wide?' Rav replied: 'The air of two domains prevails upon it and no object on it may be moved even as far as a hair's breadth'; whereas Rabbi Yochanan replied: 'The tenants on either side may carry up their food and eat it there',²⁸ Rabbi Yochanan thus following his own view; since Rav Dimi, when he came, stated in the name of Rabbi Yochanan: On a place whose area is less than four tefachim by four both the people in the public domain and those in the private domain may re-arrange their loads provided they do not exchange [their loads]!²⁹ — That was reported by Ze'iri.³⁰ But doesn't this present an objection against Ze'iri? — Ze'iri explains it³¹ to refer

²¹ In the statements fixing the dimensions as three and four tefachim respectively.

²² Sc. that if its width was three tefachim it was according to the first Tanna the status of a karmelis from which the water may not be carried into the private domain of the courtyard.

²³ Lit., 'must we say: According to (one of the) Tannaim he made his statement since according to the Rabbis a domain of three tefachim may also be regarded as a karmelis. Is it likely, however, that Rabbi Yochanan would differ from the Rabbis, 'who are in the majority, and adopt the view of an individual authority?

²⁴ Sc. if all embankment is sufficiently high and less than three tefachim wide it constitutes, according to the Rabbis, a free domain into which an empty bucket may be taken from the private domain and one full of water from the karmelis and transferred respectively from it into the karmelis and into the private domain. If the embankment is three tefachim wide it uses the status of a free domain and can no longer serve as a mere adjunct to the domains between which it is situated. This ruling is consequently quite independent of that of Rabbi Yochanan's.

²⁵ And thus unlawfully carry an object from the public into the private domain or vice versa. Now, since objects may be placed on it both front the public and from the private domain it must obviously have the status of a free domain, and yet it was forbidden to exchange these objects. How then can it be

maintained that a bucket of water may be transferred from the private domain into the karmelis and vice versa by way of the embankments?

²⁶ A private domain and a public one the movement of objects between which is Biblically forbidden. Hence Rav Dimi's restriction.

²⁷ Sc. the movement of objects between a karmelis and a private domain is only Rabbinically forbidden. As Biblically it is permitted to transfer directly from the one into the other the Rabbis have relaxed their ruling where the transfer is effected by way of a free domain.

²⁸ But may not transfer objects from one courtyard into the other across that wall.

²⁹ Now, since Rabbi Yochanan maintains his view even in the case of courtyards, the movement of objects between which is only Rabbinically forbidden, how could it be maintained that a distinction is drawn between Biblical and Rabbinical domains?

³⁰ Rav Dimi, however, maintains that Rabbi Yochanan's restriction does not apply to domains the movement of objects between which is only Rabbinically forbidden.

³¹ The Baraisa dealing with the dispute between Rabban Shimon ben Gamliel and the first Tanna on the dimensions that do, or do not constitute a karmelis between which and the courtyard the movement of bucket and water is forbidden.

to the water-channel itself,³² while the ruling of Rav Dimi is one in dispute between Tannaim. But why should it not be regarded as the cavities of a karmelis?³³ — Both Abaye bar Avin and Rav Chanina bar Avin replied: The law of cavities does not apply to a karmelis. Rav Ashi replied: It may even be conceded that the law of cavities does apply to a karmelis, but this is the case only where the cavity is near whereas here it is far removed. Ravina replied: We are dealing in with a case, for instance, where outlets were made at its ends,³⁴ the Rabbis following their view, while Rabban Shimon ben Gamliel follows his view.³⁵ (87a – 87b)

MISHNAH: From a balcony that was situated above a stretch of water no water may be drawn on the Shabbos³⁶ unless it was furnished with a partition ten tefachim high either above or below.³⁷ So also where two balconies were situated in positions one higher than the other,³⁸ and a partition was made for the upper one but not for the lower one, restrictions³⁹ are imposed on the use of both until they have prepared a joint eiruv.⁴⁰ (87b)

³² According to the first Tanna a width of three tefachim, and according to Rabban Shimon ben Gamliel only one of four tefachim imparts to it the status of a karmelis.

³³ And the movement of any object, bucket or water, between it and the courtyard should be forbidden. As cavities in a wall adjoining a public domain are subject to the restrictions of the latter, so should the water-channel within the courtyard be subject to the restrictions of the wider channel without the town which is a karmelis and of which it forms a part.

³⁴ Lit., 'at its mouth', Sc. the dimensions prescribed by the two opinions are neither those of the channel nor those of its embankments (as has been previously suggested) but those of the outlets made in the partitions at its ends to enable the water to pass through them.

³⁵ That the rule of lavud applies to a gap that was not wider than four tefachim.

³⁶ Since the stretch of water has the status of a karmelis while the balcony is a private domain.

³⁷ In a downward direction from the balcony towards the water. In either case the partition that is ten tefachim is deemed to extend downwards and, by vertically joining balcony and water, to form a private domain through, and from

GEMARA: Is our Mishnah in disagreement with the view of Chananya ben Akavya, since it was taught: Chananya ben Akavya ruled: In a balcony whose area is four amos by four a hole of four tefachim by four is cut and water may be drawn through it? — Rabbi Yochanan citing Rabbi Yosi ben Zimra replied: Rabbi Chananya ben Akavya permitted it⁴¹ only in the case of the sea of Tiberias since it is surrounded by embankments, towns and karpafs,⁴² but not in that of any other waters.⁴³

Our Rabbis taught: Rabbi Chananya ben Akavya permitted the men of Tiberias three things: To draw water from a balcony on the Shabbos, to store fruit in pea-stalks and to dry themselves with a towel. 'To draw water from a balcony on the Shabbos' as has just been stated; what, however, was the point of the permission 'to store fruit in pea-stalks'? — That, as it was taught. If a man got up early in the morning⁴⁴ to fetch some residue,⁴⁵ the Scriptural expression, 'if water be put upon the seed' applies to it, if he did so because the dew was upon it,⁴⁶ but if he did so in order that he might not

which the water may be taken up.

³⁸ Provided the one was removed from the other by less than four tefachim.

³⁹ On the use of the hole in the upper balcony for the purpose of drawing water.

⁴⁰ The use of a hole in the lower balcony remains forbidden even after an eiruv had been prepared, since it was not furnished with any partition that could convert the karmelis of the water and the passage to the balcony into a private domain.

⁴¹ The use of a balcony of the dimensions given, though it had no partitions.

⁴² And is thus distinguished from any other karmelis.

⁴³ Where, as stated in our Mishnah, a partition is essential.

⁴⁴ Before the dew in the fields had dried up.

⁴⁵ Such residue as straw, stalks and the like, in which to store fruit.

⁴⁶ I.e., when the refuse was still damp and good for storing. Produce cannot become susceptible to tumah unless (a) it first came in contact with dew or other prescribed liquids and (b) the owner of the produce was pleased with that contact.



be disturbed from his usual work, the expression. If water be put upon the seeds does not apply to it; and as a rule, the men of Tiberias are in the same category as the man whose object was that he might not be disturbed from his usual work. And what was the point in his permitting them to 'dry themselves with a towel'? — That, as it was taught. A man may dry himself with a towel and put it on a window, but he may not hand it to the bathing attendants because they are suspected of doing that work. Rabbi Shimon ruled: He may also carry it in his hand to his home. (87b – 88a)

INSIGHTS TO THE DAF

The explanation above is based upon Rashi's explanation of the Gemora. However, the Ritva has difficulty with Rashi's explanation, and says instead that the people of Teverya were generally affluent and did not have to go to work. They merely liked to get up early.

Rather, the Ritva says, the Gemora is merely implying that the fruits were so good they did not even need the dew, and this is why they did not become able to accept impurity. [It seems difficult to understand how the Ritva fits his explanation into the words of our Gemora.]

The Netziv in Megilah (6a) uses the fact that the people of Teverya were rich to explain the Gemora there as well. The Gemora states that Rekes was a name for Teverya. Why? The Gemora explains that this hints to the fact that even the "Reikanim" -- "empty ones" in Teverya were full of mitzvos like a pomegranate.

The Netziv asks that this Gemora sounds like the description of the empty people of Bnei Yisroel, who are often said to be full of mitzvos like a pomegranate. Why does the Gemora single out the people of Teverya for this, and therefore call Teverya "Rekes?"

The Netziv answers that Teverya is known for its therapeutic hot springs. Being that the people there are generally wealthy and enjoying the hot springs, they are not known to be extremely spiritual. However, because they are wealthy, poor people come to collect money there, and are indeed given donations by these wealthy people. This is why it is known as "Rekes." It is a place where even though the people are usually enjoying themselves, they are full of the mitzvah of giving charity to the poor.