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The Chicago Center
TORAH • CHESED • REFUAH

OVERVIEW of the Daf

1) Can a partition cause a prohibition? (cont.)

The Gemara continues, unsuccessfully, to demonstrate that a partition can cause a prohibition.

In a case of three travelers who constructed an inferior partition around their encampment, R' Yehudah distinguishes between a configuration where the outer chatzeros are fenced off from the middle one and when the middle one is fenced off from the outer two.

The previous case dealt with three travelers, one in each section. The Gemara inquires about a case where two travelers settled into the middle karpaf or if two travelers settled in each of the outer karpafs.

The Gemara concludes that we rule leniently in both cases.

2) Combining elevation with a partition to form a ten tefach partition

R' Chisda ruled that we do not combine an elevation with a partition to form a ten tefachim partition. Rather, it must be entirely elevation or entirely partition.

R' Chisda is unsuccessfully challenged.

Mereimar disagrees and maintains that they do combine and the Gemara declares that this is the halachah.

3) New residents who arrive on Shabbos

R' Hoshaya asked whether residents who appear on Shabbos prohibit carrying in the chatzer, e.g. the wall that separated two chatzeros collapsed on Shabbos.

R' Chisda suggested a proof from our Mishnah to prove that they do prohibit carrying.

(Continued on page 2)

REVIEW and Remember

1. Why, according to Abaye, is a succah constructed on an awning valid even if the two walls are evened out?

2. According to the Gemara's conclusion, what is the halachah if two travelers settle in the middle karpaf?

3. What is the Gemara's conclusion regarding a partition that is formed by elevation and actual partition?

4. How did Rabbah prove that the Mishnah refers to a case where the breach occurred before Shabbos?

Gemara GEM

Combining different types of structure

אמר רב חסדא גידוד חמשה ומחיצה חמשה אין מצטרפין עד שיהא או כולו בגידוד או כולו במחיצה... דרש מרימר גידוד חמשה ומחיצה חמשה מצטרפין... והלכתא גידוד חמשה ומחיצה חמשה מצטרפין.

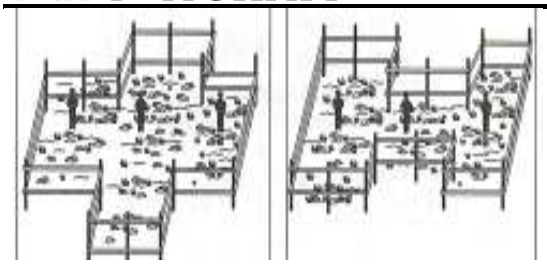
Why does R' Chisda hold that a mound that is five tefachim high cannot be combined with a wall (atop it) that is five tefachim high to comprise a ten-tefach mechitzah?

Teshuvos Chacham Tzvi (§5) explains that it is because the fundamental halachah that underlies the creation of a reshus ha'yachid on the top of a mound is gud aseik mechitztah — the sides of the mound are seen as extending upwards to create a legal walled area; while the fundamental halachah that underlies the creation of a reshus ha'yachid within walls is the enclosure created by the walls themselves.

R' Yosef Engel (Gilyonei HaShas here) adds that it may be that R' Chisda is of the same opinion as R' Meir (above, 4b) that the halachah of true walls is derived from the text of the Torah (from the dimensions of the Aron); while the halachah of gud aseik originates in a Halachah l'Moshe miSinai. Accordingly, he holds that a halachah that is [Torah-]text based cannot be combined with a halachah that is Halachah l'Moshe miSinai based.

On the other hand, suggests R' Yosef Engel, the reason why the halachah is that the five tefachim of the mound may be combined with the five tefachim of the wall is that the halachah is in accordance with R' Yehudah (also above 4b) — viz. that the halachah of true walls is also an Halachah l'Moshe miSinai. Hence, originating in the same fundamental halachah, the two structures may be combined to comprise a ten-tefach mechitzah (see Gilyonei HaShas for a consideration of the application of this principle to other areas). ■

Daf DIAGRAM



א"ר יהודה ג' קרפיפות זה בצד זה ושנים החיצונים מגופפים והאמצעי אינו מגופף וכו' ונותנין להן כל צרכן. ודאי אמצעי מגופף ושנים החיצונים אינן מגופפין וכו' אין נותנין להם אלא בית שש

R' Yehudah ruled: If three travelers set up inferior partitions (either entirely horizontal or entirely vertical) around their encampment, if the outer sections are wider than the middle section they constitute a caravan and they are granted as much space as they need. If, however, the middle section is wider than the outer sections they do not constitute a caravan and they may not enclose more than six beis seah. ■

HALACHAH Highlight

A sefer Torah written on different materials

גידוד חמשה ומחיצה חמשה

A mound that is five tefachim and a partition that is five tefachim

R' Chisda rules that if there is a mound that is five tefachim tall and on top of it is a partition that is five tefachim tall they do not combine to constitute a ten tefachim mechitza. In order to qualify as a mechitzah it must be either entirely partition or entirely mound.

Rambam[1] rules that a sefer Torah is invalid if part of it is written on klaf and part of it is written on g'vil. A sefer Torah must be written either entirely on klaf or entirely on g'vil. Teshuvas Shvus Yaakov[2] contends that the source for Rambam's ruling is R' Chisda's statement in our Gemara. He then cites Teshuvas HaTashbatz[3] who applies Rambam's ruling to what seems to have been a somewhat common practice. When an error was found in a sefer Torah they would peel off a layer of the parchment and write the correct word(s) on the part of the parchment that remained. Tashbatz ruled that such a practice should not be followed and instead they should scrape off the ink of the word or letters that were invalid and rewrite them. His reasoning is that if they peel off a layer from the g'vil, that which is left beneath it is klaf and it would turn out that the sefer Torah now contains a combination of g'vil and klaf. Even though there is only a small portion of the sefer Torah that is now parchment, it is still invalid since there is no difference between a small amount and a large amount regarding this halachah.

Shvus Yaakov took issue with this ruling and explains that this disqualification is rooted in the obligation of זה ק-לי ואנוהו— This is my God and I will glorify Him. As such, it applies only when, for instance, one panel is g'vil and another is klaf. In such an instance the beauty of the sefer Torah is compromised. When a line or two is on klaf rather than g'vil and certainly when a single word here and there is on klaf there is no issue and the sefer Torah remains valid. ■

1. רמב"ם פ"ז מהל' ספר תורה ה"ד.
2. שו"ת שבות יעקב ח"ב סי' פ"ח.
3. שו"ת תשב"ץ ח"א סי' קמ"ט. ■

(Overview...Continued from page 1)

Rabbah dismissed the proof.

Rav and Shmuel dispute whether it is permitted to carry in a chatzer if the wall separating it from another collapses on Shabbos. According to Rav one may not carry more than four amos, whereas according to Shmuel they may continue to carry to the place where the wall stood. ■

Distinctive INSIGHT

A height of ten comprised of excavated space and a wall

אמר רב חסדא גידור חמישה ומחיצה חמישה אין מצטרפין

Rashi (Gittin 15b) explains that the case being discussed is where we have a depth of five tefachim dug into the ground, and above that, a wall of five tefachim was erected. A person standing in such a room would see a wall with a full ten tefachim height. Rav Chisda taught that this does not comprise a combined height of ten tefachim needed to define a private domain. Nevertheless, the conclusion of the Gemara is that five tefachim of excavation and five of a wall does combine to comprise a full ten.

Tosafos points out that the explanation of Rashi to the statement of Rav Chisda is difficult. There are many places in the Gemara where five tefachim of depth and five tefachim of construction clearly do combine. Our sugya itself points out that the lower of two chatzeirros can make its own eruv, because from their perspective, they see a full wall of ten tefachim, albeit it being a wall formed partly by the height of the upper chatzer and partly a wall. Furthermore, later (99b) the Gemara states that a pit and the mound of dirt around its perimeter combine to achieve a height of ten tefachim. Also, if a sukkah is less than ten tefachim from floor to ceiling (the schach), it can be corrected by digging out the floor, thus creating a height of ten, a combination of excavated depth and the original wall. From these and other places we see that it is unreasonable to say that R' Chisda ever disputed this halachah.

Rather, Tosafos explains that R' Chisda is speaking about a mound that is five tall, upon which we build a wall of an additional five tefachim. Now, to the outside observer, we have a ten tefachim wall interrupting in the public domain. Yet, to one who stands inside, we only have a five tefach height. It is in this case of partial build-up of dirt and partial wall that R' Chisda disapproved.

To resolve the opinion of Rashi, Pnei Yehoshua (Gittin, ibid.) explains that there is a difference between making a wall, on the one hand, and the creation of a private domain on the other. All the Gemaros we cited were a question of making a wall which is ten tefachim tall. This is accomplished by an arrangement where part is with excavation and part is with a wall. However, in order to partition an area to be a private domain within a multi-owner area, here it must be noticeable from the outside that a barrier of ten is erected. This cannot be achieved if part is done with an excavated depth perceptible only from the inside. ■

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