

OVERVIEW of the Daf

1) Leniencies for the residents of Teveria (cont.)

The Gemara concludes the list of leniencies R' Chananya ben Akavya issued for the residents of Teveria.

2) The use of a balcony

Rabbah bar R' Huna ruled: Drawing water from a balcony with a partition is permitted but pouring sewage water from the hole in the balcony is prohibited.

R' Shizbi unsuccessfully challenges this ruling.

A second version of this discussion is presented with Rabbah bar R' Huna ruling that pouring sewage water is also permitted.

3) Two balconies

R' Huna in the name of Rav ruled that one balcony will prohibit the other only if they are close to one another, but if they are distanced from each other it is permitted to draw water even if no eiruv was made.

4) Stealing property and its effect on the laws of eiruv

A ruling is quoted that if one takes unauthorized possession of another's property it has no bearing on the property's eiruv status.

This ruling is unsuccessfully challenged from our Mishnah.

5) **MISHNAH:** The issue of pouring out waste water on Shabbos is discussed.

6) Clarifying the Mishnah

Rabbah and R' Zeira explain why pouring waste water into a chatzer that is four amos is permitted even without a cesspool.

The difference between their opinions is noted.

The Gemara unsuccessfully challenges both opinions.

A Baraisa ruled that a cesspool is necessary only during the summer but in the winter it is permitted to pour out the water even if there is no cesspool.

Rava and R' Nachman offer different explanations, for the distinction made between summer and winter.

Rava qualified the ruling of the Mishnah concerning two upper stories that are opposite one another with a chatzer in between. The restriction that prohibits the upper story residents who did not make a cesspool from pouring water in the chatzer applies only if an eiruv was not made but if an eiruv was made it is permitted. ■

הדרן עלך כיצד מערבין

REVIEW and Remember

1. Why would pouring water off the balcony be prohibited if it is permitted to pour water into a cesspool?

2. According to the Gemara's conclusion what are the circumstances of the Mishnah's case of two balconies?

3. What is the practical difference between Rabbah's and R' Zeira's explanation?

4. How did Rava and R' Nachman explain the Baraisa that distinguished between winter and summer?

Gemara GEM

Caused Melachah: Coloring water with a disinfectant

אמר רבה בר רב הונא לא שנו אלא למלאות אבל לשפוך אסור

The Gemara in Shabbos (100b and 141a) rules that it is permitted to cause an object to move in a carmelis (כוחו בכרמלית לא גזרו רבנן). Tosafos (here, and to Shabbos 100b d.h. Cocho) finds this ruling in evident contradiction to our Gemara's statements that it is not permitted to spill water from a balcony into the sea because in doing so one causes the water to move more than four amos. Since the sea is a carmelis, it seems evident that our Gemara holds that it is forbidden to cause an object to move four amos in a carmelis! Tosafos resolves the contradiction by distinguishing between a balcony, which occasionally abuts a reshut ha'rabbim – where, therefore, the Rabbis forbade כוחו בכרמלית – and a boat at sea (the topic of the discussion in Shabbos), which never abuts a reshut ha'rabbim – where, therefore, the Rabbis allow כוחו בכרמלית.

In the final analysis, we see that כוחו בכרמלית is not always permitted. In a novel comparison, R' Shlomo Zalman Auerbach (Teshuvos Minchas Shlomo, Tinyana §33) relates this issue to the question of using a disinfectant that colors the water in a toilet. R' Shlomo Zalman notes that water that is colored by the initial gush of water upon flushing cannot be considered caused to become colored, but colored by direct action. However, writes R' Shlomo Zalman, even the coloring of the water subsequent to the initial gush, which the person flushing the toilet is only causing, may not be permitted, as we see here that not in all cases do the Rabbis permit causing a prohibited activity – even ones like moving objects in a carmelis or coloring water, that are at worst rabbinic prohibitions. ■

Daf DIAGRAM

שתי דיוטאות זו כנגד זו מקצתן עשו עוקה ומקצתן לא עשו עוקה את שעשו מותרין ואת שלא עשו עוקה אסורין

If two upper stories share a common chatzer and only one of the upper story residents made a cesspool, those who made the cesspool may pour out water on Shabbos and those who did not are prohibited from pouring out water. Rava rules that this restriction applies only when the residents of the upper stories did not make an eiruv with one another but if they made an eiruv it is permitted. ■

Today's Daf Digest is dedicated by Rabbi & Mrs. Shalom Zaiden
 לעילוי נשמת בעשא בת ר' אלכסנדר

HALACHAH Highlight

Affixing a mezuzah on a room that is not 4 amah by 4 amah square

אריך וקטין איכא בנייהו

Long and narrow is the issue that they dispute

Rabbah and R' Zeira disagree about the rationale that permits one to pour out water into a chatzer that is four amos. According to R' Zeira, the reason is that water will become absorbed in a plot of land that is four amos by four amos. Rabbah explains that a person is interested in having water in his courtyard that is four amos by four amos since he uses the courtyard and wants the dirt to settle. Abaye notes that a practical difference between their explanations is a courtyard that is not four amos by four amos square but has the same area, for example, eight amos by two amos. According to R' Zeira what is significant is total area so that even if it is not square the result is the same. However, according to Rabbah the primary factor is that the space is usable and once it is not four amos across in one direction it is no longer usable space and it would be prohibited to pour out the water.

Regarding mezuzah, Shulchan Aruch¹ follow Rambam who rules that any room that contains the area that could allow for a four amah by four amah square, is obligated in mezuzah even if

the room is not actually square, e.g. eight amos by two amos. Shach² cites authorities who disagree and contend that a room is not obligated in mezuzah unless it has at least four amos in each direction. Maharsham³ records a Torah scholar's challenge against Rambam from our Gemara. When the Baraisa in our Gemara writes "four amos by four amos" it is evident that it means specifically a square and a chatzer that is long and narrow but contains the same space is not sufficient. Accordingly, in the Baraisa that discusses affixing a mezuzah that uses the same wording it should also be interpreted as referring specifically to a square and a long and narrow room should not be obligated in a mezuzah. He records another scholar who demonstrated that in the Baraisa in our Gemara it would have been suffice to say "four amos" and it would have been understood that it referred to a square. The emphasis that it must be four amos by four amos is therefore to stress that it must be square rather than a rectangle. In the Baraisa discussing mezuzah the phrase is not extra since it is needed to describe the number of square amos that the room must contain but it may also allow for that space to be spread out in a rectangle. ■

¹ שו"ע יו"ד סי' רפ"ו סעי' י"ג.

² שו"ע שם סי' כ"ג.

³ שו"ת מהרש"ם ח"א סי' ע"א. ■

Distinctive INSIGHT

Indirect actions – גרמא – on Shabbos
שופכין לתוכו וכו' ופרש"י (ד"ה שופכין וכו')
- דאפילו מתכוין לאו איסורא דאורייתא
איכא וכו'

Rashi explains that if a person pours water on the ground in the private domain, and the water flows along the floor and enters into the public domain, this is not considered as a Torah level violation of transporting from one domain to another, because the person did not directly toss or throw the water from his private property into the street.

Eglei Tal (טוהן ס"ק ה' אות ד'-ה') establishes a rule based upon this Rashi regarding all of the laws of Shabbos. We see that a melachah which is done indirectly is exempt. Although the water is moved from one domain to the other is not done by this person's actions directly, this movement is at least an indirect outcome of his spilling the water on the

floor. Even if this is his intent, Rashi explains that the Torah does not consider this melachah to be prohibited. Therefore, we see that גרמא on Shabbos is פטור.

This should not be compared to a case of winnowing, which the Gemara (Bava Kamma 60a) teaches is חייב even though it is accomplished only with the assistance of the wind. There, the very melachah itself is defined as one which is done with the wind as a factor, as it blows away the chaff. Here, however, transfer of water from one domain to another is usually done directly by being carried in one's hand. When it is splashed upon the ground, and the flow itself takes the water across the threshold, this is an indirect movement, and is a גרמא.

Sefer Daf al Hadaf cites a discussion from the כרם שלמה Journal, in which this opinion is challenged. It does not seem that pouring water on the floor and its subsequent flow to the public domain should be considered as even an indirect action on the part of the one who pours

it. An indirect action is where one surrounds a fire with barrels filled with water, and the fire spreads and becomes doused by bursting the barrels. Here, the act of extinguishing was done, but only indirectly. However, when one pours water on the floor, this is not the act of transferring an object from one domain to another at all, not even indirectly. Therefore, there is no proof from Rashi that גרמא by a melachah is exempt.

Harav Shlomo Zalman Auerbach, zt"l, also takes issue with the conclusion of the Eglei Tal. He holds that it is only by הוצאה that we say that גרמא is exempt. However, indirect actions which result in a melachah by all other labors of Shabbos would be liable.

In his Responsa Har Tzvi (O.C. 1:148), Harav Tzvi Pesach Frank, zt"l, points out that even according to Rashi, an indirect action/melachah may be exempt from a Torah level, but it is still rabbinically prohibited to perform a melachah in such a manner. ■