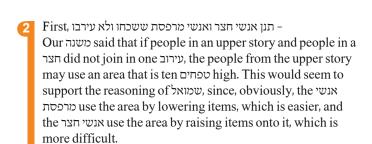


In the previous daf we discussed a case of a common area between two חצירות who have each made a separate עירוב, but did not join together in one עירוב.

One of the חצירות uses the area by lowering items into the area, and the other חצר uses it by raising items up to that area. אשבת held that neither חצר may use the area on אשבת, while שמואל held that the חצר that lowers items may use the חצר.

Almost the entire דף is dedicated to the discussion of four proofs, two from משניות to support שמואל, and two from ברייתות to support רב. Each proof is ultimately refuted.







The אמרא defends - ר בדאמר רב הונא לאותן הדרים במרפסת - כדאמר רב הונא לאותן הדרים במרפסת - כדאמר רב הונא לאותן הדרים במרפסת המרפסת המרפסת ולאותן הדרים במרפסת, so that the ten מרפסת high mound is less than ten טפחים below the upper story. This way the אנשי מרפסת אנשי מרפסת - directly, whereas the אנשי מרפסת וuse it אנשי מרפסת, and that is why the אנשי מרפסת שבת מדבם חצבת.









4 According to this פשט, when the משנה says אים לחצר פחות מכאן לחצר above the ground level of the lower חצר - and also less than ten טפחים below the upper אף - it belongs to the חצר - חצר - it belongs to both, because it is equally accessible to BOTH the upper AND lower residents, and אים - both may not use it.

So too, when the שניהן שפחים away from the שניהן אים - it is more than four שפחים tall, it is אף לחצר so the it is equally accessible with difficulty for both, and therefore, neither may use it.



Second, חוליית הבור והסלע שהן גבוהין עשרה למרפסת – חוליית הבור והסלע שהן גבוהין עשרה למרפסת A pile of dirt around a pit, or a rock, that is ten טפחים high may be used by the people in the upper story, even though, presumably, they can only use it by lowering things into it – another clear proof to שמואל!

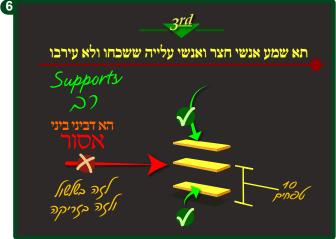
Here too, Rav Huna answers that the משנה is speaking about a case where the area is within ten טפחים of the upper story, so they can use it directly.

Even though the depth of a pit will necessarily be more than ten טפחים away from the upper אדר, we may be speaking about a pit full of טבל - untithed produce, which is מוקצה since it may not be eaten, and cannot be moved on שבת, so the surface of the contents of the pit are less than ten טפחים from the top אחרם.

Even after teaching that a rock within ten טפחים of the top חצר can be used by the top חצר, it still teaches the example of a filled pit, because we might have thought that we would not allow use of the pit filled with טבל produce out of concern that ימנין דמליא פירות מתוקנין - sometimes it will be filled with already tithed produce that can be moved on שבת, leaving a depth of more than ten טפחים from the top.

Third, תא שמע אנשי חצר ואנשי עלייה ששכחו ולא עירבו – If people in an upper story and people in a חצר did not join in one מירוב, – the ברייתא says that a ledge protruding from the bottom ten טפחים of a shared wall, may be used by the bottom חצר, and a ledge protruding from the upper ten טפחים may be used by the upper חצר, implying אספחים - הא דביני ביני אסור implying הצר שמשy from both the in-between area which is ten טפחים away from both the bottom and top חצר, may not be used by either חצר – a clear proof to חצר that when it is חצר השלשול וליה בזריקה at that when it is סופ יו ליה בשלשול וליה בזריקה at the one uses it by lowering items, and the other uses it by raising items, it belongs equally to both of them, and since they do not have a joint ישבת neither one may use it on ישבת!







Review



7 אמר רב נחמן הכא בכותל תשעה עשר עסקינן This Braisa may be speaking of a 19 טפח high wall where any ledge will be either - למטה מעשרה לזה בפתח ולזה בשלשול - OR - למטלה מעשרה לזה בפתח ולזה בזריקה שithin ten טפחים of either the lower or upper חצר makes it exclusively theirs, and permitted.



Finally, תא שמע שתי גזוזטראות זו למעלה מזו , עשו לעליונה ולא עשו לתחתונה שתיהן אסורות

The בר"תא teaches a case of two side-by-side balconies, with one higher than the other, which the Gemara now assumes to be by at least 10 טפחים, and the upper balcony has a מחיצה - a four by four טפח hole with a ten טפח partition coming down from it, in order to draw water from below. As the Gemara on דף פ"ח ע"א explains, this partition on the upper balcony was built בשותפות - in partnership with the residents of the lower balcony, so that they will have דריסת הרגל - the right to use the upper balcony to draw water.

Therefore, neither balcony may use the hole without an עירוב. Now, the upper balcony uses the hole בשלשול - by lowering, and the lower balcony uses it בזריקה ובשלשול - by raising their pail to the upper balcony, and then lowering it to the water, and the Braisa considers them equals, this is a clear proof to









gives two answers:

אמר רב אדא בר אהבה בבאין בני תחתונה דרך עליונה למלאות – The Braisa is speaking of where the people themselves go up via steps to the upper balcony to get water, which means that both use it שמואל - by lowering only, where even

agrees it is אסור for both.

- אביי אמר כגון דקיימין בתוך עשרה דהדדי

Abayei answers that the balconies are less than ten טפחים apart in height.

Rashi explains; Therefore, this case is not similar to that of the Machlokes of ממואל and שמואל.

There, the two חצירות are distinctly separate areas, and the third common area can be assigned either exclusively to one, or shared by both, and the ease or difficulty of use is the deciding factor.

Here, due to the proximity of the balconies, they cannot be considered separate areas, and the hole and partition must be considered shared - therefore,t

שתיהן אסורות without an עירוב, regardless of the ease or difficulty of its use.

שפחים proves his point that when they are less than ten טפחים apart, it is אסור for both to use the area, regardless of whether it is easier for one area to use it, from the following teaching of אכר שמואל:

- גג הסמוך לרשות הרבים

A roof 10 טפחים high that abuts a second story and a רשות הרבים, and has a porch attached to it that is somewhat lower. Since, the בני מרפסת and the בני רשות הרבים both use the roof, the בני מרפסת בני מרפסת from using the roof without an adjustment.

The question is, why?

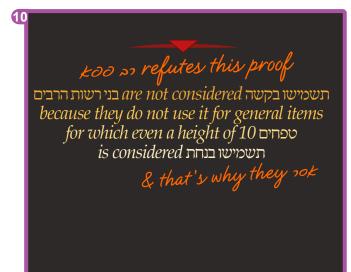
After all, the בני מרפסח - they use it easily, because they are within 10 טפחים, while the בני רשות הרבים are בני רשות הרבים - they use it with difficulty, because for them it's 10 טפחים high?

The answer must be Abaye's point, that since the רשות הרבים and the מרפסת are within 10 טפחים of each other, they cannot be considered separate areas for the purpose of the roof being assigned exclusively to one of them. Rather, they are considered to be sharing the roof, and אסר each other. Therefore, רב נחמן אמר שמואל ruled that a permanent ladder must be placed between the lower roof and the second floor, which will indicate that the main use of the roof is for the second floor, to the exclusion of the

רב פפא refutes this proof:

The בני רשות הרבים are not considered תשמישו בקשה, because they do not use it for general items, but only for their hats and scarves, for which even a height of 10 טפחים is considered תשמישו בנחת, making them equals of the בני מרפסת, and that's why they אסר.







Dedicated By: _____